

Chapter NR 109

SAFE DRINKING WATER

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**NR 109.01 Purpose.** The purpose of this chapter is to establish minimum standards and procedures for the protection of the public health, safety and welfare in the obtaining of safe drinking water. This chapter is adopted under the authority granted in chs. 144 and 162, Stats.

**Note:** See chs. NR 108, 111, 112 and 114 for other requirements pertaining to public and private drinking water systems.

**History:** Cr. Register, February, 1978, No. 266, eff. 3-1-78; am. Register, April, 1982, No. 316, eff. 5-1-82.

**NR 109.03 Applicability.** The provisions of this chapter shall apply to all new and existing public water systems as defined in this chapter.

History: Cr. Register, February, 1978, No. 266, eff. 3-1-78.

**NR 109.04 Definitions.** (1) "Best available technology" or "BAT" means the best technology treatment techniques, or other means which the U.S. environmental protection agency finds, after examination for efficacy under field conditions and not solely under laboratory conditions, are available, taking cost into consideration.

(2) "Community water system" means a public water system which serves at least 15 service connections used by year-round residents or regularly serves at least 25 year-round residents. Any public water system serving 7 or more homes, 10 or more mobile homes, 10 or more apartment units, or 10 or more condominium units shall be considered a community water system unless information is available to indicate that 25 year-round residents will not be served.

(3) "Contaminant" means any physical, chemical, biological, or radiological substance or matter in water.

(4) "Dose equivalent" means the product of the absorbed dose for ionizing radiation and such factors as account for differences in biological effectiveness due to the type of radiation and its distribution in the body as specified by the international commission on radiological units and measurements (ICRU).

(5) "Department" means the department of natural resources.

(6) "Gross alpha particle activity" means the total radioactivity due to alpha particle emission as inferred from measurements on a dry sample.

(7) "Gross beta particle activity" means the total radioactivity due to beta particle emission as inferred from measurements on a dry sample.

(8) "Man-made beta particle and photon emitters" means all radionuclides emitting beta particles and/or photons listed in Maximum Permissible Body Burdens and Maximum Permissible Concentration of Radionuclides in Air or Water for Occupational Exposure, NBS Handbook 69, except the daughter products of thorium-232, uranium-235 and uranium-238.

(9) "Maximum contaminant level" or "MCL" means the maximum permissible level of a contaminant in water which is delivered to the consumer service outlet of the ultimate user of a public water system, except in the case of turbidity where the maximum permissible level is measured at the point of entry to the distribution system. Contaminants added to the water under circumstances controlled by the user, except those resulting from corrosion of piping and plumbing caused by water quality, are excluded from this definition.

(10) "Maximum contaminant level goal" or "MCLG" means the maximum level of a contaminant in drinking water at which no known or anticipated adverse affect on the health of persons would occur, and which allows an adequate margin of safety. Maximum contaminant level goals are non-enforceable health goals.

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(11) "Non-community water system" means a public water system that serves fewer than 25 year-round residents.

Note: Examples of non-community water systems include those serving schools, motels, restaurants, churches, campgrounds and parks.

(12) "Non-transient non-community water system" means a non-community water system that regularly serves at least 25 of the same persons over 6 months per year.

(13) "Person" means an individual, corporation, company, association, cooperative, trust, institution, partnership, state, municipality, or federal agency.

(14) "Picocurie (pCi)" means that quantity of radioactive material producing 2.22 nuclear transformations per minute.

(15) "Plant" means any facility for the obtainment of potable water, whether from surface water or groundwater sources, for a community water system.

(16) "Point-of-entry treatment device" is a water treatment device applied to the drinking water entering a house or building for the purpose of reducing contaminants in the drinking water distributed throughout the house or building.

(17) "Point-of-use treatment device" is water treatment device applied to a single tap used for the purpose of reducing contaminants in drinking water at that one tap.

(18) "Primary maximum contaminant levels" means those maximum contaminant levels which represent minimum public health standards.

(19) "Public water system" means a system for the provision to the public of piped water for human consumption, if such system has at least 15 service connections or regularly serves an average of at least 25 individuals daily at least 60 days out of the year. A public water system is either a "community water system" or a "non-community water system". Such system includes:

(a) Any collection, treatment, storage, and distribution facilities under control of the operator of such system and used primarily in connection with such system, and

(b) Any collection or pretreatment storage facilities not under such control which are used primarily in connection with such system.

(20) "Rem" means the unit of dose equivalent from ionizing radiation to the total body or any internal organ or organ system. A "millirem" (mrem) is 1/1000 of a rem.

(21) "Sanitary survey" means an onsite inspection of the water source, facilities, equipment, operation and maintenance of a public water system for the purpose of evaluating the adequacy of such source, facilities, equipment, operation and maintenance for producing and distributing safe drinking water.

(22) "Secondary drinking water standards" means those standards for aesthetic parameters which represent minimum public welfare concerns but do not represent health standards.

(23) "Supplier of water" means any person who owns or operates a public water system.

History: Cr. Register, February, 1978, No. 266, eff. 3-1-78; am. (1) and (9), renum. (12) to (17) to be (13) to (18) and am. (18), cr. (12), Register, April, 1982, No. 316, eff. 5-1-82; renum. (1) to (18) to be (2) to (9), (11), (13) to (15), (18) to (23) and am. (9) and (11), cr. (1), (10), (12), (16) and (17), Register, August, 1989, No. 404, eff. 9-1-89.

**NR 109.05 Coverage.** This chapter shall apply to each public water system, unless the public water system meets all of the following conditions:

- (1) Consists only of distribution and storage facilities (and does not have any collection and treatment facilities); and
- (2) Obtains all of its water from, but is not owned or operated by, a public water system to which such regulations apply; and
- (3) Does not sell water to any person; and
- (4) Is not a carrier which conveys passengers in interstate commerce.

History: Cr. Register, February, 1978, No. 266, eff. 3-1-78.

**Part I — Maximum Contaminant Levels, Monitoring and Analytical Requirements**

**NR 109.09 Maximum contaminant levels goals for primary contaminants.**

(1) Maximum contaminant level goals (MCLGs) are zero for the following contaminants:

Benzene  
Carbon tetrachloride  
1,2-dichloroethane  
Trichloroethylene  
Vinyl chloride

(2) MCLGs for the following contaminants are as indicated:

Contaminants	MCLG in mg/l
1,1-Dichloroethylene	0.007
1,1,1-Trichloroethane	0.20
para-Dichlorobenzene	0.075

History: Cr. Register, August, 1989, No. 404, eff. 9-1-89.

**NR 109.10 Applicability of primary maximum contaminant levels to new or reconstructed water sources.** No new or reconstructed water source exceeding any primary maximum contaminant level in this chapter may be connected to a public water system unless blending or treatment is provided such that the primary maximum contaminant level is not exceeded upon entry to the distribution system.

History: Cr. Register, August, 1989, No. 404, eff. 9-1-89.

**NR 109.11 Maximum contaminant levels for inorganic chemicals.** (1) The maximum contaminant level for nitrate is applicable to both community water systems and non-community water systems, except as provided in sub. (3). The maximum contaminant levels for the other inorganic chemicals apply only to community water systems. Compliance with maximum contaminant levels for inorganic chemicals is calculated under s. NR 109.12.

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(2) The following are the maximum contaminant levels for inorganic chemicals:

Contaminant	Level, milligrams per liter
Arsenic .....	0.05
Barium .....	1.
Cadmium .....	0.010
Chromium .....	0.05
Fluoride .....	4.0
Lead .....	0.05
Mercury .....	0.002
Nitrate (as N) .....	10.
Selenium .....	0.01
Silver .....	0.05

(3) At the discretion of the department, nitrate as nitrogen levels not to exceed 20 mg/l may be allowed in a non-community water system if the supplier of water demonstrates to the satisfaction of the department that:

(a) Such water will not be available to children under 6 months of age; and

(b) There will be continuous posting of the fact that nitrate as nitrogen levels exceed 10 mg/l and the potential health effects of exposure; and

(c) Local and state public health authorities will be notified annually of nitrate as nitrogen levels that exceed 10 mg/l;

(d) A supply of low nitrate (contains less than 10 mg/l nitrate as nitrogen), bacteriologically safe drinking water shall be provided for infants under 6 months of age.

(e) No adverse health effects will result.

History: Cr. Register, February, 1978, No. 266, eff. 3-1-78; am. Register, April, 1982, No. 316, eff. 5-1-82; am. (1) and (2), Register, August, 1989, No. 404, eff. 9-1-89.

**NR 109.12 Inorganic chemical sampling and analytical requirements.** (1) Samples collected for the purpose of determining compliance with s. NR 109.11 shall be collected at a point on the distribution system representative of water quality at the customer tap.

(2) Analyses for the purpose of determining compliance with s. NR 109.11 are required as follows:

(a) Analyses for all community water systems utilizing surface water sources shall be completed before system operation begins. These analyses shall be repeated at intervals determined by the department, but not less than once per year.

(b) Analyses for all community water systems utilizing only ground-water sources shall be completed within 90 days after system operation

begins. These analyses shall be repeated at intervals determined by the department, but not less than 3-year intervals.

(c) For non-community water systems, analysis for nitrate concentration shall be completed within 90 days after system operation begins. These analyses shall be repeated at intervals determined by the department.

(d) In addition to complying with pars. (a) and (b), suppliers of water monitoring for natural fluoride shall sample each entry point to the distribution system. If water from more than one source is combined before entry to the distribution system, the entry point shall be sampled during periods representative of the maximum natural fluoride levels occurring under normal operating conditions.

(e) 1. The department may decrease the frequencies for natural fluoride monitoring if the department determines that the system is unlikely to exceed the MCL, considering the following factors:

a. Reported concentrations from previously required monitoring,

b. The degree of variation in reported concentrations, and

c. Other factors which may affect natural fluoride concentrations such as changes in pumping rates in groundwater supplies or significant changes in the system's configuration, operating procedures, source of water, and changes in stream flows.

2. In no case may monitoring be reduced to less than one sample every 10 years. For systems monitoring once every 10 years, the department shall review the monitoring frequency every 10 years to determine whether more frequent monitoring is necessary.

(3) If the result of an analysis made under sub. (2) indicates that the level of any contaminant listed in s. NR 109.11 exceeds the maximum contaminant level, the supplier of water shall report to the department within 7 days and initiate 3 additional analyses at the same sampling point within one month.

(4) When the average of 4 analyses made under sub. (3), rounded to the same number of significant figures as the maximum contaminant level for the substance in question, exceeds the maximum contaminant level, the supplier of water shall notify the department under s. NR 109.80 and give notice to the public under s. NR 109.81. Monitoring after the maximum contaminant level is exceeded shall be at a frequency designated by the department and shall continue until the maximum contaminant level has not been exceeded in 2 successive samples collected 30 to 60 days apart, or until a monitoring schedule as a condition to a variance under s. NR 109.91, conditional waiver under s. NR 109.90 or enforcement action shall become effective. Special monitoring thereafter shall be at a frequency designated by the department.

(5) The provisions of subs. (3) and (4) notwithstanding, compliance with the maximum contaminant level for nitrate as nitrogen shall be determined on the basis of the mean of 2 analyses. When a level exceeding the maximum contaminant level for nitrate as nitrogen is found, a second analysis shall be initiated within 24 hours, and if the average of the 2 analyses exceeds the maximum contaminant level the supplier of water

shall report findings to the department under s. NR 109.80 and shall notify the public under s. NR 109.81.

(6) Analyses conducted to determine compliance with s. NR 109.11 shall be made in accordance with methods approved by the U.S. environmental protection agency. The department shall maintain a current list of approved methods.

(7) Analysis for fluoride under this section may only be conducted by laboratories that have analyzed performance evaluation samples provided by U.S. EPA environmental monitoring and support laboratory to within plus or minus 10% of the reference value at fluoride concentrations from 1.0 mg/l to 10.0 mg/l within the past 12 months.

History: Cr. Register, February, 1978, No. 266, eff. 3-1-78; am. Register, April, 1982, No. 316, eff. 5-1-82; am. (3) and (4), cr. (7), Register, August, 1989, No. 404, eff. 9-1-89.

**NR 109.13 Sodium monitoring, reporting and notification requirements.**

(1) The supplier of water for a community water system shall collect and analyze one sample per plant at a representative point on the distribution system for the determination of sodium concentration; samples will be collected and analyzed annually for systems utilizing surface water sources in whole or in part, and at least every 3 years for systems utilizing solely groundwater sources. The minimum number of samples required to be taken by the system shall be based on the number of plants used by the system, except that multiple wells drawing raw water from a single aquifer may, with department approval, be considered one plant for determining the minimum number of samples. The supplier of water may be required by the department to collect and analyze water samples for sodium more frequently in locations where the sodium content is variable.

(2) The supplier of water shall report to the department the results of the analyses for sodium concentration within the first 10 days of the month following the month in which the sample results were received or within the first 10 days following the end of the required monitoring period as stipulated by the department, whichever is first. If more than annual sampling is required, the supplier shall report the average sodium concentration within 10 days of the month following the month in which the analytical results of the last sample used for the annual average was received.

(3) The supplier of water shall notify appropriate local health officials of the sodium concentration by written notice by direct mail within 3 months of receipt of sample results. A copy of each notice required to be provided by this subsection and a list of health officials notified shall be sent to the department within 10 days of its issuance.

(4) Analyses for sodium shall be performed by the flame photometric method in accordance with the procedures described in "Standard Methods for the Examination of Water and Wastewater," 14th Edition, pp. 250-253; or by Method 273.1, Atomic Absorption-Direct Aspiration or Method 273.2, Atomic Absorption-Graphite Furnace in "Methods for Chemical Analysis of Water and Waste," EMSL, Cincinnati, EPA, 1979; or by Method D1428-64 (a) in Annual Book of ASTM Standards, part 31, Water. Copies of these publications are available for inspection at the office of the department of natural resources, the secretary of state's office and the office of the revisor of statutes, and may be obtained

for personal use from the U.S. Environmental Protection Agency, Washington, DC 20460.

Note: A primary maximum contaminant level has not been established for sodium.

History: Cr. Register, April, 1982, No. 316, eff. 5-1-82.

**NR 109.14 Special monitoring for corrosivity characteristics.** (1) The supplier of water for a community water system shall collect samples from a representative entry point to the water distribution system for the purpose of analysis to determine the corrosivity characteristics of the water.

(a) The supplier shall collect 2 samples per plant for analysis for each plant using surface water sources wholly or in part or more if required by the department; one sample shall be collected during mid-winter and one during mid-summer. The supplier of the water shall collect one sample per plant for analysis for each plant using groundwater sources or more if required by the department. The minimum number of samples required to be taken by the system shall be based on the number of plants used by the system, except that multiple wells drawing raw water from a single aquifer may, with department approval, be considered one plant for determining the minimum number of samples.

(b) Determination of the corrosivity characteristics of the water shall include measurement of field pH, calcium hardness, alkalinity, temperature, total dissolved solids (total filterable residue), and calculation of the Langelier Index in accordance with sub. (3). The determination of corrosivity characteristics shall only include one round of sampling (2 samples per plant for surface water and one sample per plant for groundwater sources). However, the department may require more frequent monitoring as appropriate. In addition, the department may require monitoring for additional parameters which may indicate corrosivity characteristics, such as sulfates and chlorides. In certain cases, the Aggressive Index may be used instead of the Langelier Index; any request to use the Aggressive Index shall be made in writing to the department, and the department shall make this determination.

(2) The supplier of water shall report to the department the results of the analysis for the corrosivity characteristics within the first 10 days of the month following the month in which the sample results were received. If more frequent sampling is required by the department, the supplier may accumulate the data and shall report each value within the first 10 days of the month following the month in which analytical results of the last sample were received.

(3) Analyses conducted to determine the corrosivity of the water shall be made in accordance with methods approved by the U.S. environmental protection agency. The department shall maintain a current list of approved methods.

(4) Suppliers of water for community water supply systems shall identify whether the following construction materials are present in their distribution system and report their findings to the department:

(a) Lead from piping, solder, caulking, interior lining of distribution mains, alloys and home plumbing.

(b) Copper from piping and alloys, service lines and home plumbing.

(c) Galvanized piping, service lines and home plumbing.



- (d) Ferrous piping materials such as cast iron and steel.
- (e) Asbestos cement pipe.
- (f) Vinyl lined asbestos cement pipe.
- (g) Coal tar lined pipes and tanks.

(5) When the water of a community water system is determined to have a Langelier Index value more corrosive than  $-1.0$ , the supplier of water shall sample the distribution system to determine the presence of corrosion products. Parameters to be evaluated shall be determined by the department and will vary with piping materials used in the distribution system.

(6) If sampling required in sub. (5) indicates the presence of corrosion products, or if the water of a community water system is determined to have a Langelier Index value more corrosive than  $-2.0$ , the department may require the supplier of water to implement corrosion-control measures.

History: Cr. Register, April, 1982, No. 316, eff. 5-1-82.

**NR 109.20 Maximum contaminant levels for nonvolatile organochlorine pesticides and chlorophenoxy acid herbicides.** The following are the maximum contaminant levels for nonvolatile organochlorine pesticides and chlorophenoxy acid herbicides. They apply only to community water systems. Compliance with maximum contaminant levels for these organic chemicals shall be calculated pursuant to s. NR 109.21.

	Level, milligrams per liter
(1) Chlorinated hydrocarbons:	
Endrin (1,2,3,4,10, 10-hexachloro- 6,7-epoxy-1,4, 4a,5,6,7,8,8a-octahydro-1,4-endo, endo-5,8 - dimethano naphthalene).	0.0002
Lindane (1,2,3,4,5,6-hexachloro-cyclohexane, gamma isomer).	0.004
Methoxychlor (1,1,1-Trichloro- 2, 2 - bis (p-methoxyphenyl) ethane).	0.1
Toxaphene (C <sup>10</sup> H <sup>10</sup> C1 <sup>8</sup> -Technical chlorinated camphene, 67-69 percent chlorine).	0.005
(2) Chlorophenoxy acids:	
2,4 - D (2,4-Dichlorophenoxyacetic acid).	0.1
2,4,5 - TP Silvex (2,4,5-Trichlorophenoxypropionic acid).	0.01

History: Cr. Register, February, 1978, No. 266, eff. 3-1-78; cr. (3), Register, April, 1982, No. 316, eff. 5-1-82; am. title and (1) (intro.), r. (3), Register, August, 1989, No. 404, eff. 9-1-89.

**NR 109.21 Nonvolatile organochlorine pesticides and chlorophenoxy acid herbicides—sampling and analytical requirements.** (1) An analysis of substances for the purpose of determining compliance with s. NR 109.20 (1) and (2) shall be made as follows:

(a) For all community water systems utilizing surface water sources, analyses shall be completed before system operation begins. Subsequent analyses shall be repeated at intervals specified by the department, but not less than at 3-year intervals. Samples analyzed shall be collected dur-

ing the period of the year designated by the department as the period when contamination by pesticides is most likely to occur.

(b) For community water systems utilizing only ground water sources, analyses shall be completed for those systems specified by the department.

(2) If the result of an analysis made under sub. (1) indicates that the level of any contaminant listed in s. NR 109.20 exceeds the maximum contaminant level, the supplier of water shall report to the department within 7 days and initiate 3 additional analyses within one month.

(3) When the average of 4 analyses made under sub. (2), rounded to the same number of significant figures as the maximum contaminant level for the substance in question, exceeds the maximum contaminant level, the supplier of water shall report to the department under s. NR 109.80 and give notice to the public under s. NR 109.81. Monitoring after the maximum contaminant level is exceeded shall be at a frequency designated by the department and shall continue until the maximum contaminant level has not been exceeded in 2 successive samples (special monitoring thereafter shall be at a frequency designated by the department) or until a monitoring schedule as a condition to a variance, under s. NR 109.91, conditional waiver under s. NR 109.90 or enforcement action shall become effective.

(4) Analysis made to determine compliance with s. NR 109.20 (1) shall be conducted in accordance with "Methods for Organochlorine Pesticides and Chlorophenoxy Acid Herbicides in Drinking Water and Raw Source Water," available from ORD Publications, CERL, EPA, Cincinnati, Ohio 45268; or "Organochlorine Pesticides in Water," Annual Book of ASTM Standards, part 31, Water, Method D-3086-79; or Method 509-A, pp. 555-565 in "Standard Methods for the Examination of Water and Wastewater," 14th Edition; or "Gas Chromatographic Methods for Analysis of Organic Substances in Water," USGS, Book 5, Chapter A-3, pp. 24-39.

(5) Analysis made to determine compliance with s. NR 109.20 (2) shall be conducted in accordance with "Methods for Organochlorine Pesticides and Chlorophenoxy Acid Herbicides in Drinking Water and Raw Source Water," available from ORD Publications, CERL, EPA, Cincinnati, Ohio 45268; or "Chlorinated Phenoxy Acid Herbicides in Water," Annual Book of ASTM Standards, part 31, Method D-3478-79; or Method 509-B, pp. 565-569 in "Standard Methods for the Examination of Water and Wastewater," 14th Edition; or "Gas Chromatographic Methods for Analysis of Organic Substances in Water," USGS, Book 5, Chapter A-3, pp. 24-39. Copies of these publications are available for inspection at the office of the department of natural resources, the secretary of state's office and the office of the revisor of statutes, and may be obtained for personal use from the U.S. Environmental Protection Agency, Washington, D.C., 20460.

(6) Other analytical methods, if any, approved by the U.S. environmental protection agency are acceptable. The department shall maintain a list of approved methods.

History: Cr. Register, February, 1978, No. 266, eff. 3-1-78; am., Register, April, 1982, No. 316, eff. 5-1-82; am. (4) and (5), Register, December, 1982, No. 324, eff. 1-1-83; am. title, (3) and (5), Register, August, 1989, No. 404, eff. 9-1-89.

Register, August, 1989, No. 404

**NR 109.22 Maximum contaminant level for total trihalomethanes.** The maximum contaminant level for total trihalomethanes (the sum of the concentrations of bromodichloromethane, dibromochloromethane, tribromomethane (bromoform), and trichloromethane (chloroform)) shall be 0.1 milligrams per liter. This maximum contaminant level applies to community water systems which add a disinfectant (oxidant) to the water in any part of the drinking water treatment process. Compliance with the maximum contaminant level for total trihalomethanes shall be calculated pursuant to s. NR 109.23.

History: Cr. Register, August, 1989, No. 404, eff. 9-1-89.

**NR 109.23 Total trihalomethanes — sampling and analytical requirements.** (1) The supplier of water for a community water system which serves a population of 10,000 or more individuals and which adds a disinfectant (oxidant) to the water shall analyze for total trihalomethanes (TTHMs) in accordance with this section. For systems serving 75,000 or more individuals, sampling and analyses shall begin not later than March 31, 1981. For systems serving 10,000 to 74,999 individuals, sampling and analyses shall begin not later than March 31, 1983. For the purpose of this section, the minimum number of samples required to be taken by the system shall be based on the number of plants used by the system except that multiple wells drawing raw water from a single aquifer may, with department approval, be considered one plant for determining the minimum number of samples. All samples required during an established monitoring period shall be collected within a 24-hour period.

(2) (a) For all community water systems utilizing surface water sources in whole or in part, and for all community water systems utilizing only groundwater sources that have not been determined by the department to qualify for the monitoring requirements of sub. (3), analyses for TTHMs shall be performed at quarterly intervals on at least 4 water samples for each plant used by the system. At least 25% of the samples shall be taken at locations within the distribution system reflecting the maximum residence time of the water in the system. The remaining 75% shall be taken at representative locations in the distribution system, taking into account the number of persons served, different sources of water and different treatment methods employed. The results of all analyses per quarter shall be arithmetically averaged and reported to the department within 30 days of the system's receipt of such results. All samples collected shall be used in the computation of the average, unless the analytical results are invalidated for technical reasons. Sampling and analyses shall be conducted in accordance with the methods listed in sub. (5).

(b) The monitoring frequency required by par. (a) may be reduced by the department to a minimum of one sample analyzed for TTHMs per quarter taken at a point in the distribution system reflecting the maximum residence time of the water in the system, upon a determination by the department that the data from at least one year of monitoring in accordance with par. (a) and local conditions demonstrate that TTHM concentrations will be consistently below the maximum contaminant level. If at any time during which the reduced monitoring frequency prescribed under this paragraph applies, the results from any analysis exceed 0.10 mg/l of TTHMs and such results are confirmed by at least one check sample taken promptly after such results are received, or if the system makes any significant change to its source of water or treatment program, the supplier of water shall immediately begin monitoring in

accordance with the requirements of par. (a), which monitoring shall continue for at least one year before the frequency may be reduced again. At the option of the department, a system's monitoring frequency may be increased above the minimum in those cases where it is necessary to detect variations of TTHM levels within the distribution system.

(3) (a) The supplier of water for a community water system utilizing only groundwater sources may seek to have the monitoring frequency required by sub. (2) (a) reduced to a minimum of one sample for maximum TTHM potential per year for each plant used by the system, taken at a point in the distribution system reflecting maximum residence time of the water in the system. The supplier of water shall submit to the department the results of at least one sample analyzed for maximum TTHM potential for each plant used by the system, taken at a point in the distribution system reflecting the maximum residence time of the water in the system, taken at a point in the distribution system reflecting the maximum residence time of the water in the system. The system's monitoring frequency may only be reduced upon a determination by the department that, based upon the data submitted by the system, the system has a maximum TTHM potential of less than 0.10 mg/l and that, based upon an assessment of the local conditions of the system, the system is not likely to approach or exceed the maximum contaminant level for total TTHMs. The results of all analyses shall be reported to the department within 30 days of the system's receipt of such results. All samples collected shall be used for determining whether the system must comply with the monitoring requirements of sub. (2), unless the analytical results are invalidated for technical reasons. Sampling and analyses shall be conducted in accordance with the methods listed in sub. (5).

(b) If at any time during which the reduced monitoring frequency prescribed under par. (a) applies, the results from any analysis taken by the supplier of water for maximum TTHM potential are equal to or greater than 0.10 mg/l and such results are confirmed by at least one check sample taken promptly after such results are received, the system shall immediately begin monitoring in accordance with the requirements of sub. (2) and such monitoring shall continue for at least one year before the frequency may be reduced again. In the event of any significant change to the system's raw water or treatment program, the supplier of water shall immediately analyze an additional sample for maximum TTHM potential taken at a point in the distribution system reflecting maximum residence time of the water in the system for the purpose of determining whether the system must comply with the monitoring requirements of sub. (2). At the option of the department, monitoring frequencies may be increased above the minimum in those cases where this is necessary to detect variation of TTHM levels within the distribution system.

(4) Compliance with s. NR 109.22 shall be determined based on a running annual average of quarterly samples collected by the system as prescribed in sub. (2) (a) or (b). If the average of samples covering any 12 month period exceeds the maximum contaminant level, the supplier of water shall report to the department under s. NR 109.80 and notify the public under s. NR 109.81. Monitoring after the maximum contaminant level is exceeded shall be at a frequency designated by the department and shall continue until a monitoring schedule as a condition to a variance under s. 109.91, conditional waiver under s. NR 109.90 or enforcement action becomes effective.

(5) (a) Sampling and analyses made under this section shall be conducted by one of the following EPA approved methods:

1. "The Analysis of Trihalomethanes in Drinking Waters by the Purge and Trap Method," Method 501.1, EMSL, EPA, Cincinnati, Ohio.

2. "The Analysis of Trihalomethanes in Drinking Water by Liquid/Liquid Extraction," Method 501.2, EMSL, EPA, Cincinnati, Ohio.

Note: The references listed above are contained in 40 CFR s. 141, Appendix C.

(am) Copies of these publications are available for inspection at the office of the department of natural resources, the secretary of state's office and the office of the revisor of statutes, and may be obtained for personal use from the U.S. Environmental Protection Agency, Washington, DC 20460.

(b) Samples for TTHM analysis shall be dechlorinated upon collection to prevent further production of trihalomethanes, according to the procedures described in par. (a) 1. and 2. Samples for maximum TTHM potential should not be dechlorinated, and should be held for 7 days at 25°C (or above) prior to analysis according to the procedures described in par. (a) 1. and 2.

(6) Before the supplier of water for a community water system makes any significant modifications to its existing treatment process for the purposes of achieving compliance with s. NR 109.20 (3), such supplier shall submit and obtain department approval of a detailed plan setting forth its proposed modification and those safeguards that it will implement to ensure that the bacteriological quality of the drinking water provided by such system will not be adversely affected by such modification. Each system shall comply with the provisions set forth in the department approved plan. At a minimum, a department approved plan shall require the supplier of water for a system modifying its disinfection practice to:

(a) Evaluate the water system for sanitary defects and evaluate the source water for biological quality;

(b) Evaluate its existing treatment practices and consider improvements that will minimize disinfectant demand and optimize finished water quality throughout the distribution system;

(c) Provide baseline water quality survey data of the distribution system. Such data shall include the results from monitoring for coliform and fecal coliform bacteria, fecal streptococci, standard plate counts at 35°C and 20°C, phosphate, ammonia nitrogen and total organic carbon. Virus studies may be required where source waters are heavily contaminated with sewage effluent;

(d) Conduct additional monitoring to assure continued maintenance of optimal biological quality in finished water (example: when chloramines are introduced as disinfectants or when pre-chlorination is being discontinued). Additional monitoring may also be required by the department for chlorate, chlorite and chlorine dioxide if chlorine dioxide is approved as a disinfectant. Standard plate count analyses may also be required by the department as appropriate before and after any modifications; and

(e) Include in the plan provisions to maintain an active disinfectant residual throughout the distribution system at all times during and after the modification.

History: Cr. Register, April, 1982, No. 316, eff. 5-1-82; renum. to be NR 109.23 and am. (4), Register, August, 1989, No. 404, 9-1-89.

**NR 109.24 Maximum contaminant levels for volatile organic contaminants.** (1) The following maximum contaminant levels for volatile organic contaminants apply to community water systems and non-transient non-community water systems.

Contaminant	Maximum contaminant level in mg/l
Benzene	0.005
Vinyl chloride	0.0002
Carbon tetrachloride	0.005
1,2-Dichloroethane	0.005
Trichloroethylene	0.005
1,1-Dichloroethylene	0.007
1,1,1-Trichloroethane	0.20
para-Dichlorobenzene	0.075

(2) The following are the BATs available for achieving compliance with the maximum contaminant level for the volatile organic chemicals listed in sub. (1):

(a) Central treatment using packed tower aeration, and

(b) Central treatment using granular activated carbon, except for vinyl chloride.

History: Cr. Register, August, 1989, No. 404, eff. 9-1-89.

**NR 109.25 Volatile organic contaminants—sampling and analytical requirements.** Analysis of the contaminants listed in s. NR 109.24 for purposes of determining compliance with the maximum contaminant levels shall be conducted as follows:

(1) (a) Suppliers of water having groundwater systems shall sample at points of entry to the distribution system representative of each well. Sampling shall be conducted at the same location or a more representative location each quarter. Each entry point to the distribution system shall be sampled every 3 months except as provided in sub. (7) (a).

(b) To ensure that average contaminant levels are not understated for entry points which have shown variable contaminant levels, the supplier of water shall sample such entry points to represent the highest contaminant levels which occur under normal (non-emergency) operating conditions. Exceptions to this may be approved by the department on a case-by-case basis if the supplier of water adequately demonstrates that another monitoring program is more representative of average contaminant levels at that entry point.

(2) Suppliers of water having surface water systems shall sample at points in the distribution system representative of each source or at entry points to the distribution system after any application of treatment. Sampling shall be conducted at the same location or a more representa-

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tive location each quarter. Each source shall be sampled every 3 months except as provided in sub. (7) (b).

(3) If the system draws water from more than one source and sources are combined before distribution, the supplier of water shall sample at an entry point to the distribution system during periods of normal operating conditions.

(4) All suppliers of water having community water systems or non-transient non-community water systems serving more than 10,000 individuals shall analyze all distribution or entry-point samples representing all source waters beginning no later than January 1, 1988. All suppliers of water having community water systems or non-transient non-community water systems serving from 3,300 to 10,000 individuals shall analyze all distribution or entry-point samples, as required in this section, representing all source waters beginning no later than January 1, 1989. Suppliers of water having community and non-transient non-community water systems serving less than 3,300 individuals shall analyze all distribution or entry-point samples, as required in this section, representing all source waters beginning no later than January 1, 1991.

(5) The department may require confirmation for any positive or negative results. The department may delete results of sampling errors from any compliance calculation.

(6) Analysis for vinyl chloride is required only for groundwater systems that have detected one or more of the following 2-carbon organic compounds: Trichloroethylene, tetrachloroethylene, 1,2-dichloroethane, 1,1,1-trichloroethane, cis-1,2-dichloroethylene, trans-1,2-dichloroethylene, or 1,1-dichloroethylene. The analysis for vinyl chloride is required at each distribution or entry point at which one or more of the 2-carbon organic compounds were found. If the first analysis does not detect vinyl chloride, the department may reduce the frequency of vinyl chloride monitoring to once every 3 years for that sample location or other sample locations which are more representative of the same source. Suppliers of water having surface water systems may be required to analyze for vinyl chloride at the discretion of the department.

(7) The department may reduce the monitoring frequency specified in sub. (1) and (2) as follows:

(a) For groundwater systems:

1. When VOCs are not detected in the first sample, or any subsequent samples that may be taken, and the system is not vulnerable as determined under par. (d) or (e), monitoring shall be repeated every 5 years.

2. When VOCs are not detected in the first sample, or any subsequent sample that may be taken, and the system is vulnerable as determined under par. (d) or (e):

a. Monitoring shall be repeated every 3 years for systems serving more than 500 connections.

b. Monitoring shall be repeated every 5 years for systems serving less than 500 connections.

3. When VOCs are detected in any sample, the supplier of water shall report to the department within 7 days and collect 3 additional samples

at 5 to 10-day intervals during the next 30 days. Monitoring thereafter shall be repeated every 3 months, as required under sub. (1).

(b) For surface water systems:

1. When VOCs are not detected in the first year of quarterly sampling, or any other subsequent sample that may be taken, and the system is not vulnerable as determined under par. (d) or (e), monitoring shall be performed at a frequency determined by the department.

2. When VOCs are not detected in the first year of quarterly sampling, or any other subsequent sample that may be taken, and the system is vulnerable as determined under par. (d) or (e):

a. Monitoring shall be repeated every 3 years for systems serving more than 500 connections.

b. Monitoring shall be repeated every 5 years for systems serving less than 500 connections.

3. When VOCs are detected in any sample, the supplier of water shall report to the department within 7 days and collect 3 additional samples at 5 to 10-day intervals during the next 30 days. Monitoring thereafter shall be repeated every 3 months, as required under sub. (2).

(c) Notwithstanding pars. (a) 3. and (b) 3., the department may reduce the frequency of monitoring to once per year for a groundwater system or surface water system having VOCs at levels consistently less than the MCL for 3 consecutive years.

(d) Vulnerability of each public water system shall be determined by the department based upon an assessment of the following factors:

1. Previous monitoring results,
2. Number of persons served by public water system,
3. Proximity of a smaller system to a larger system,
4. Proximity to commercial or industrial use, disposal, or storage of volatile synthetic organic chemicals, and
5. Protection of the water source.

(e) A public water system is deemed to be vulnerable for a period of 3 years after any positive measurement of one or more contaminants either listed in s. NR 109.24 or referenced in s. NR 109.26 except for trihalomethanes or other demonstrated disinfection by-products.

(8) Initial compliance with s. NR 109.24 (1) shall be determined based upon the results of the first 4 samples collected under sub. (7) (a) 3. or (b) 3. Compliance with s. NR 109.24 (1) thereafter shall be determined based on the results of a running annual average of quarterly samples for each sampling location. When any results is reported as detected, but less than the limit of quantitation, the limit of detection for that compound shall be used in the calculation of the average. If one location's average is greater than the MCL, the system shall be deemed to be out of compliance. If any one sample result would cause the annual average to be exceeded, then the system shall be deemed to be out of compliance immediately. For systems required to take only one sample per location



because no VOCs were detected, compliance shall be based on that one sample.

(9) Analysis under this section shall be conducted using the following EPA methods or their equivalent as approved by EPA. These methods are contained in "Methods for the Determination of Organic Compounds in Finished Drinking Water and Raw Source Water," September 1986, available from Environmental Monitoring see 109.26 (1) (g) and Support Laboratory (EMSL), EPA, Cincinnati, OH 45268. Copies are available for inspection at the office of the department of natural resources, the secretary of state's office and the office of the revisor of statutes.

(a) Method 502.1, "Volatile Halogenated Organic Chemicals in Water by Purge and Trap Gas Chromatography."

(b) Method 503.1, "Volatile Aromatic and Unsaturated Organic Compounds in Water by Purge and Trap Gas Chromatography."

(c) Method 524.1, "Volatile Organic Compounds in Water by Purge and Trap Gas Chromatography/Mass Spectrometry."

(d) Method 524.2, "Volatile Organic Compounds in Water by Purge and Trap Capillary Column Gas Chromatography/Mass Spectrometry."

(e) Method 502.2, "Volatile Organic Compounds in Water by Purge and Trap Capillary Gas Chromatography with Photoionization and Electrolytic Conductivity Detectors in Series."

(10) The department may increase monitoring requirements when necessary to detect contaminant variations within a system.

History: Cr. Register, August, 1989, No. 404, eff. 9-1-89.

**NR 109.26 Special monitoring, reporting, and public notification for selected organic chemicals.** (1) (a) Suppliers of water having community or non-transient, non-community water systems shall monitor for the contaminants listed in par. (e) by the date specified in Table 1:

Table 1 - Monitoring Schedule by System Size

Number of persons served	Monitoring to begin no later than-
Over 10,000 .....	Jan. 1, 1988
3,300 to 10,000 .....	Jan. 1, 1989
Less than 3,300 .....	Jan. 1, 1991

(b) Surface water systems shall be sampled at points in the distribution system representative of each water system source or at entry points to the distribution system after any application of treatment. The minimum number of samples is one year of quarterly samples per water source.

(c) Groundwater systems shall be sampled at points of entry to the distribution system representative of each well after any application of

treatment. The minimum number of samples is one sample per entry point to the distribution system.

(d) The department may require confirmation and follow-up samples for positive or negative results.

(e) Suppliers of water having community water systems or non-transient, non-community water systems shall monitor for the following contaminants except as provided in par. (f):

1. Chloroform
2. Bromodichloromethane
3. Chlorodibromomethane
4. Bromoform
5. trans-1,2-Dichloroethylene
6. Chlorobenzene
7. m-Dichlorobenzene
8. Dichloromethane
9. cis-1,2-Dichloroethylene
10. o-Dichlorobenzene
11. Dibromomethane
12. 1,1-Dichloropropene
13. Tetrachloroethylene
14. Toluene
15. p-Xylene
16. o-Xylene
17. m-Xylene
18. 1,1-Dichloroethane
19. 1,2-Dichloropropane
20. 1,1,2,2-Tetrachloroethane
21. Ethylbenzene
22. 1,3-Dichloropropane
23. Styrene
24. Chloromethane
25. Bromomethane
26. 1,2,3-Trichloropropane
27. 1,1,1,2-Tetrachloroethane
28. Chloroethane

29. 1,1,2-Trichloroethane
30. 2,2-Dichloropropane
31. o-Chlorotoluene
32. p-Chlorotoluene
33. Bromobenzene
34. 1,3-Dichloropropene
35. Ethylene dibromide (EDB)
36. 1,2-Dibromo-3-chloropropane (DBCP)

(f) Suppliers of water having community water systems or non-transient, non-community water systems shall monitor for EDB and DBCP only if the department determines they are vulnerable to contamination by either or both of these substances. For the purpose of this paragraph, a vulnerable system is defined as a system which is potentially contaminated by EDB and DBCP, including surface water systems where these 2 compounds are applied, manufactured, stored, disposed of, or shipped upstream, and for groundwater systems in areas where the compounds are applied, manufactured, stored, disposed of, or shipped in the groundwater recharge basin, or for groundwater systems that are in proximity to underground storage tanks that contain leaded gasoline.

(g) Analysis under this section shall be conducted using the recommended EPA methods as follows, or their equivalent as determined by EPA: 502.1, "Volatile Halogenated Organic Compounds in Water by Purge and Trap Gas Chromatography," 503.1, "Volatile Aromatic and Unsaturated Organic Compounds in Water by Purge and Trap Gas Chromatography," 524.1, "Volatile Organic Compounds in Water by Purge and Trap Gas Chromatography/Mass Spectrometry," 524.2, "Volatile Organic Compounds in Water by Purge and Trap Capillary Column Gas Chromatography with Photoionization and Electrolytic Conductivity Detectors in Series," These methods are contained in "Methods for the Determination of Organic Compounds in Finished Drinking Water and Raw Source Water," September 1986, available from Environmental Monitoring and Support Laboratory (EMSL), EPA, Cincinnati, Ohio 45268. Analysis of 1,2-dibromo-3-chloropropane (DBCP) and 1,2-dibromoethane (EDB) shall be conducted by Method 504, "Measurement of 1,2-Dibromoethane (EDB) and 1,2-Dibromo-3-chloropropane (DBCP) in Drinking Water by Microextraction and Gas Chromatography," September 1986, available from EMSL, Cincinnati, Ohio 45268. Copies of all methods listed in this paragraph are available for inspection at the office of the department, the office of the secretary of state, and the office of the revisor of statutes.

(h) Analysis under this section shall only be conducted by laboratories approved under 40 Code of Federal Regulations 141.24 (g) (11). In addition, each laboratory analyzing for EDB and DBCP shall achieve a method detection limit for EDB and DBCP of 0.00002 mg/l, according to the procedures in Appendix B of Part 136, 40 Code of Federal Regulations.

(i) Public water systems may use monitoring data collected any time after January 1, 1983 to meet the requirements for unregulated monitor-

ing, provided that the monitoring program was consistent with the requirements of this section.

(j) Monitoring for the following compounds is required at the discretion of the department:

1. 1,2,4-Trimethylbenzene
2. 1,2,4-Trichlorobenzene
3. 1,2,3-Trichlorobenzene
4. n-Propylbenzene
5. n-Butylbenzene
6. Napthalene
7. Hexachlorobutadiene
8. 1,3,5-Trimethylbenzene
9. p-Isopropyltoluene
10. Isopropylbenzene
11. Tert-butylbenzene
12. Sec-butylbenzene
13. Fluorotrichloromethane
14. Dichlorodifluoromethane
15. Bromochloromethane

(k) Suppliers of water having a non-transient, non-community water system shall repeat the monitoring required in this subsection no less frequently than every 5 years.

(2) (a) The requirements of this subsection only apply to the contaminants listed in sub. (1).

(b) Any supplier of water having a community water system or non-transient, non-community water system who is required to monitor under sub. (1) shall send a copy of the results of such monitoring within 30 days of receipt and any public notice under par. (c) to the department.

(c) The supplier of water shall notify persons served by the system of the availability of the results of sampling under sub. (1) by including a notice in the first set of water bills issued by the system after the receipt of the results or written notice within 3 months. The notice shall identify a person and supply the telephone number to contact for information on the monitoring results.

History: Cr. Register, August, 1989, No. 404, eff. 9-1-89.

**NR 109.30 Maximum microbiological contaminant levels.** The following are the maximum contaminant levels for coliform bacteria applicable to community water systems and non-community water systems. Compliance with maximum contaminant levels for coliform bacteria is determined under s. NR 109.31 (5) (b) for purposes of public notification requirements under s. NR 109.81.

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Note: The public notification provisions of s. NR 109.81 shall not apply to sub. (3) or (4).

(1) When the membrane filter technique pursuant to NR 109.31(1) is used, the number of coliform bacteria shall be less than one per 100 milliliters in any sample collected and analyzed pursuant to NR 109.31 (2) or (3).

(2) When the fermentation tube method and 10 milliliter standard portions under s. NR 109.31 (1) are used, coliform bacteria may not be present in any portion of any sample collected and analyzed under s. NR 109.31 (2) or (3).

(3) The supplier of water shall initiate definitive action to identify the cause of the positive bacteriological sample results and to eliminate potential health hazards which might exist in the system when monitoring pursuant to s. NR 109.31 (2), (3) or (4) shows the presence of any coliform organisms in any of the following:

(a) More than 10% of the samples in any quarter when more than 20 samples are required per quarter; or

(b) Two or more samples in any quarter when 6 to 20 samples are required per quarter; or

(c) Two or more in any year when less than 24 samples are required per year.

(4) If heterotrophic bacterial plate counts on water distributed to the consumer exceed 500 organisms per milliliter the department shall determine if the bacterial count is of public health or nuisance significance and may require appropriate action.

History: Cr. Register, February, 1978, No. 266, eff. 3-1-78; am. (2) and (4), Register, April, 1982, No. 316, eff. 5-1-82; correction in (intro.) made under s. 13.93 (2m) (b) 7, Stats., Register, October, 1985, No. 358; am. (intro.) and (4), Register, August, 1989, No. 404, eff. 9-1-89.

**NR 109.31 Microbiological contaminant sampling and analytical requirements.** (1) Suppliers of water for community water systems and non-community water systems shall analyze for coliform bacteria for the purpose of determining compliance with NR 109.30. Analyses shall be conducted in accordance with the analytical recommendations set forth in "Standard Methods for the Examination of Water and Wastewater," American Public Health Association, 14th Edition, pp. 913-937, except that a standard sample size shall be employed. Copies of this publication are available for inspection at the office of the department of natural resources, the secretary of state's office and the office of the revisor of statutes, and may be obtained for personal use from the American Public Health Association, 1015 Eighteenth St., N.W., Washington, D.C. The standard sample used in the membrane filter procedure shall be 100 milliliters. The standard sample used in the 5 tube most probable number (MPN) procedure (fermentation tube method) shall be 5 times the standard portion. The standard portion is 10 milliliters as described in NR 109.30(2). The samples shall be taken at points which are representative of the conditions within the distribution system.

(2) (a) The supplier of water for a community water system shall take water samples for coliform determination at regular intervals, and in a number proportionate to the population served by the system. Suppliers required to collect multiple samples each month shall sample at geographically representative locations and on dates evenly spaced during

the month. In no event shall the sampling frequency be less than as set forth in the following:

Population served:	Minimum number of samples per month
25 to 1,000 (Not serving a municipality) .....	1
25 to 1,000 (Serving a municipality) .....	2
1,001 to 2,500 .....	2
2,501 to 3,300 .....	3
3,301 to 4,100 .....	4
4,101 to 4,900 .....	5
4,901 to 5,800 .....	6
5,801 to 6,700 .....	7
6,701 to 7,600 .....	8
7,601 to 8,500 .....	9
8,501 to 9,400 .....	10
9,401 to 10,300 .....	11
10,301 to 11,100 .....	12
11,101 to 12,000 .....	13
12,001 to 12,900 .....	14
12,901 to 13,700 .....	15
13,701 to 14,600 .....	16
14,601 to 15,500 .....	17
15,501 to 16,300 .....	18
16,301 to 17,200 .....	19
17,201 to 18,100 .....	20
18,101 to 18,900 .....	21
18,901 to 19,800 .....	22
19,801 to 20,700 .....	23
20,701 to 21,500 .....	24
21,501 to 22,300 .....	25
22,301 to 23,200 .....	26
23,201 to 24,000 .....	27
24,001 to 24,900 .....	28
24,901 to 25,000 .....	29
25,001 to 28,000 .....	30
28,001 to 33,000 .....	35
33,001 to 37,000 .....	40
37,001 to 41,000 .....	45
41,001 to 46,000 .....	50
46,001 to 50,000 .....	55
50,001 to 54,000 .....	60
54,001 to 59,000 .....	65
59,001 to 64,000 .....	70
64,001 to 70,000 .....	75
70,001 to 76,000 .....	80
76,001 to 83,000 .....	85
83,001 to 90,000 .....	90
90,001 to 96,000 .....	95
96,001 to 111,000 .....	100
111,001 to 130,000 .....	110
130,001 to 160,000 .....	120
160,001 to 190,000 .....	130
190,001 to 220,000 .....	140
220,001 to 250,000 .....	150
250,001 to 290,000 .....	160

290,001 to 320,000 .....	170
320,001 to 360,000 .....	180
360,001 to 410,000 .....	190
410,001 to 450,000 .....	200
450,001 to 500,000 .....	210
500,001 to 550,000 .....	220
550,001 to 600,000 .....	230
600,001 to 660,000 .....	240
660,001 to 720,000 .....	250
720,001 to 780,000 .....	260
780,001 to 840,000 .....	270
840,001 to 910,000 .....	280
910,001 to 970,000 .....	290
970,001 to 1,050,000 .....	300
1,050,001 to 1,140,000 .....	310
1,140,001 to 1,230,000 .....	320
1,230,001 to 1,320,000 .....	330
1,320,001 to 1,420,000 .....	340
1,420,001 to 1,520,000 .....	350
1,520,001 to 1,630,000 .....	360
1,630,001 to 1,730,000 .....	370
1,730,001 to 1,850,000 .....	380
1,850,001 to 1,970,000 .....	390
1,970,001 to 2,060,000 .....	400

(b) Based on a history of no coliform bacterial contamination and on a sanitary survey by the department showing the water system to be supplied solely by a protected ground water source and free of sanitary defects, a non-municipal community water system serving 25 to 1,000 persons may, with written permission from the department, reduce this sampling frequency, except that in no case shall it be reduced to less than one per quarter.

(3) The supplier of water for a non-community school water system shall sample for coliform bacteria in each calendar quarter during which the system provides water to the public, unless the department, on the basis of a sanitary survey, determines that some other frequency is more appropriate.

(4) Based on a history of bacteriologically unsafe samples, structural deficiencies, or affected population, the department may require the supplier of water for a non-community water system to monitor for coliform bacteria at specified intervals.

(5) (a) 1. When a sample collected under sub. (2) exceeds a maximum contaminant level set forth in s. NR 109.30 (1) or (2), the supplier of water having a community water system shall collect a repeat sample which shall be considered the check sample from the same sampling point, together with at least 2 additional samples at adjacent or nearby service connections, within 48 hours.

2. When a sample collected under sub. (3) exceeds a maximum contaminant level set forth in s. NR 109.30 (1) or (2), the supplier of water having a non-community water system shall collect a repeat sample which shall be considered the check sample from the same sampling point within 48 hours.

(b) When the examination of the samples required in par. (a) indicates the presence of coliform organisms in the distribution system, the supplier of water shall:

1. Report to the department within 48 hours; and
2. Initiate an investigation, including the collection within 48 hours and examination of additional samples from the same point and other sampling points in the water system, to define the extent of the problem; and
3. Notify the public in the area affected by the indicated contamination as prescribed in s. NR 109.81 unless the department determines that no health hazard has actually existed.

(c) The department, at its discretion, may require that additional samples be collected at a specified frequency from the same sampling point and other sampling points in the area and examined to identify and eliminate suspected health hazards when a sample exceeds a maximum contaminant level under s. NR 109.30 (1) or (2), even if the check sample required in par. (a) does not indicate the presence of coliform bacteria.

(d) When the cause of the indicated contamination has been determined and corrected, additional samples shall be collected at a frequency directed by the department.

(e) The location at which the sample was taken under par. (a) may not be eliminated from future sampling without approval of the department.

(6) The department may determine that unreliable examination results for a sample collected in a monitoring period under sub. (2) were caused by factors beyond the control of the water supplier. Such factors could be excessive transit time between collection and examination of the sample, samples being broken in transit, or interference in test results when the membrane filter technique is used. If this is the case, another sample collected immediately upon learning of these results may be used in determining compliance with sampling requirements in sub. (2) or (3). However, a single sample may not be attributed to more than one monitoring period.

(7) Check samples, samples with unreliable examination results, and special purpose samples, such as those taken to determine whether disinfection practices following water main placement, replacement, or repair have been sufficient, may not be used to determine compliance with sub. (2) or (3).

(8) In addition to sampling from the distribution system, each supplier of water for a system providing chlorination shall obtain at least one sample every 3 months from each well prior to the point of any chemical addition. For waterworks which have more than one well in the same location and utilizing the same aquifer, only one of the wells must be sampled each time on an alternating basis. If a well has a high potential for contamination, the department may, in individual cases, require more frequent sampling.

(9) At surface water facilities, the bacteriological quality of the water shall be monitored sufficiently to maintain quality control of the treatment process. Each plant shall establish a schedule which will be subject to review and modification by the department.



Note: Generally, membrane filter or 5 tube fermentation tests and heterotrophic plate counts of the raw, settled and finished water on an established schedule will be necessary to meet this requirement.

(10) At all waterworks which have a potential for high total bacteria levels because of the water quality, the method of treatment, chemical addition or other cause, the department may require heterotrophic plate counts pursuant to an established schedule. Analyses shall be conducted in accordance with the analytical recommendations set forth in "Standard Methods for the Examination of Water and Wastewater", American Public Health Association, 14th Edition, pp. 908-913. Copies of this publication are available for inspection at the office of the department of natural resources, the secretary of state's office and the office of the revisor of statutes, and may be obtained for personal use from the American Public Health Association, 1015 Eighteenth St., N.W., Washington, D.C.

History: Cr. Register, February, 1978, No. 266, eff. 3-1-78; am. (2) (a) (intro.) and (b) and (3), renum. (4) to (9) to be (5) to (10) and am. (5) to (9), cr. (4), Register, April, 1982, No. 316, eff. 5-1-82; am. (7), Register, December, 1982, No. 324, eff. 1-1-83; am. (5) (a), (b) (intro.) and 2., (c) and (10), Register, August, 1989, No. 404, eff. 9-1-89.

**NR 109.40 Maximum contaminant levels for turbidity.** The maximum contaminant levels for turbidity are applicable to both community water systems and non-community water systems using surface water sources in whole or in part. The maximum contaminant levels for turbidity in drinking water, measured at a representative entry point(s) to the distribution system, are:

(1) One nephelometric turbidity unit (NTU), as determined by a monthly average under s. NR 109.41, except that 5 or fewer turbidity units may be allowed if the supplier of water can demonstrate to the department that the higher turbidity does not do any of the following:

- (a) Interfere with disinfection;
- (b) Prevent maintenance of an effective disinfectant agent throughout the distribution system; or
- (c) Interfere with microbiological determinations.

(2) Five nephelometric turbidity units (NTU) based on an average for 2 consecutive days pursuant to NR 109.41.

History: Cr. Register, February, 1978, No. 266, eff. 3-1-78; am. (1) (intro.), Register, April, 1982, No. 316, eff. 5-1-82.

**NR 109.41 Turbidity sampling and analytical requirements.** (1) The requirements of this section shall apply only to public water systems which use water in whole or in part from surface water sources.

(2) Samples shall be taken by suppliers of water for both community water systems and non-community water systems at representative entry points to the water distribution system at least once per day, for the purpose of making turbidity measurements to determine compliance with s. NR 109.40. The measurement shall be made by the Nephelometric Method in accordance with the recommendations set forth in "Standard Methods for the Examination of Water and Wastewater", American Public Health Association, 14th Edition, pp. 132-134; or Method 180.1 — Nephelometric Method in "Methods for Chemical Analysis of Water and Waste," EMSL, Cincinnati, EPA, 1979. Copies of these publications are available for inspection at the office of the department of

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natural resources, the secretary of state's office and the office of the revisor of statutes, and may be obtained for personal use from, respectively, the American Public Health Association, 1015 Eighteenth St., N.W., Washington, D.C. and the U.S. Environmental Protection Agency, Washington, D.C. 20460.

(3) If the result of a turbidity analysis exceeds the maximum contaminant level, the sampling and measurement shall be confirmed by resampling as soon as practicable and preferably within one hour. If the repeat sample confirms that the maximum contaminant level has been exceeded, the supplier of water shall report to the department within 48 hours. The repeat sample shall be the sample used for the purpose of calculating the monthly average. If the monthly average of the daily samples exceeds the maximum contaminant level, or if the average of 2 samples taken on consecutive days exceeds 5 NTU, the supplier of water shall report to the department and notify the public as directed in ss. NR 109.80 and 109.81.

History: Cr. Register, February, 1978, No. 266, eff. 3-1-78; am. (2) and (3), r. (4), Register, April, 1982, No. 316, eff. 5-1-82; am. (2), Register, December, 1982, No. 324, eff. 1-1-83.

**NR 109.50 Maximum contaminant levels for radium-226, radium-228, and gross alpha particle radioactivity in community water systems.** The following are the maximum contaminant levels for radium-226, radium-228, and gross alpha particle radioactivity:

(1) Combined radium-226 and radium-228 — 5 pCi/l.

(2) Gross alpha particle activity (including radium-226 but excluding radon and uranium) — 15 pCi/l.

Note: Sections NR 109.50 through NR 109.52 are identical to the radioactivity standards of the department of health and social services in ch. HSS 157, Wis. Adm. Code, and to the National Interim Primary Drinking Water Regulations, 40 Code of Federal Regulations 141. These sections are adopted pursuant to s. 140.56(2), Stats.

History: Cr. Register, February, 1978, No. 266, eff. 3-1-78.

**NR 109.51 Maximum contaminant levels for beta particle and photon radioactivity from man-made radionuclides in community water systems.** (1) The average annual concentration of beta particle and photon radioactivity from man-made radionuclides in drinking water shall not produce an annual dose equivalent to the total body or any internal organ greater than 4 millirem/year.

(2) Except for the radionuclides listed in Table A, the concentration of man-made radionuclides causing 4 mrem total body or organ dose equivalents shall be calculated on the basis of a 2 liter per day drinking water intake using the 168 hour data listed in "Maximum Permissible Body Burdens and Maximum Permissible Concentrations of Radionuclides in Air or Water for Occupational Exposure", NBS Handbook 69 as amended August, 1963, U.S. Department of Commerce. Copies of this document are available for inspection at the office of the department of natural resources, the secretary of state's office and the office of the revisor of statutes, and may be obtained for personal use from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402. If 2 or more radionuclides are present, the sum of their annual dose equivalent to the total body or to any organ shall not exceed 4 millirem/year.

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Table A. — Average annual concentrations assumed to produce a total body or organ dose of 4 mrem/yr.

Radionuclide	Critical Organ	pCi per liter
Tritium	Total body	20,000
Strontium-90	Bone marrow	8

Note: Sections NR 109.50 through 109.52 are identical to the radioactivity standards of the department of health and social services in ch. H 57, Wis. Adm. Code, and to the National Interim Primary Drinking Water Regulations, 40 Code of Federal Regulations 141. These sections are adopted pursuant to s. 140.56 (2), Stats.

History: Cr. Register, February, 1978, No. 266, eff. 3-1-78.

**NR 109.52 Analytical methods for radioactivity.** (1) Analyses conducted to determine compliance with NR 109.50 and 109.51 shall be made in accordance with approved methods outlined in 40 Code of Federal Regulations (CFR) 141.25 or other methods approved by the U.S. environmental protection agency. Copies of this document are available for inspection at the office of the department of natural resources, the secretary of state's office and the office of the revisor of statutes, and may be obtained for personal use from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

(2) The department shall maintain a current list of approved analytical methods.

Note: Sections NR 109.50 through 109.52 are identical to the radioactivity standards of the department of health and social services in ch. H 57, Wis. Adm. Code, and to the National Interim Primary Drinking Water Regulations, 40 Code of Federal Regulations 141. These sections are adopted pursuant to s. 140.56 (2), Stats.

History: Cr. Register, February, 1978, No. 266, eff. 3-1-78.

**NR 109.53 Monitoring frequency for radioactivity in community water systems.** (1) **MONITORING REQUIREMENTS FOR GROSS ALPHA PARTICLE ACTIVITY, RADIUM-226 AND RADIUM-228.** (a) Initial sampling to determine compliance with s. NR 109.50 shall begin within 90 days after system operation begins. Compliance shall be based on the analysis of an annual composite of 4 consecutive quarterly samples or the average of the analyses of 4 samples obtained at quarterly intervals.

1. A gross alpha particle activity measurement may be substituted for the required radium-226 and radium-228 analysis, provided that the measured gross alpha particle activity does not exceed 5 pCi/l at a confidence level of 95% (1.65 $\sigma$  where  $\sigma$  is the standard deviation of the net counting rate of the sample). In localities where radium-228 may be present in drinking water, the department may require radium-226 and/or radium-228 analyses when the gross alpha particle activity exceeds 2 pCi/l.

2. When the gross alpha particle activity exceeds 5 pCi/l, the same or an equivalent sample shall be analyzed for radium-226. If the concentration of radium-226 exceeds 3 pCi/l the same or an equivalent sample shall be analyzed for radium-228.

(b) Suppliers of water shall monitor at least once every 4 years following the procedure required by sub. (1) (a). At the discretion of the department, when an annual record taken in conformance with sub. (1) (a)

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has established that the average annual concentration is less than half the maximum contaminant levels established by NR 109.50, analysis of a single sample may be substituted for the quarterly sampling procedure required by sub. (1) (a).

1. More frequent monitoring shall be conducted when ordered by the department in the vicinity of mining or other operation which may contribute alpha particle radioactivity to either surface or ground water sources of drinking water.

2. A supplier of water shall monitor in conformance with sub. (1) (a) within one year of the introduction of new water source for a community water system. More frequent monitoring shall be conducted when ordered by the department in the event of possible contamination or when changes in the distribution system or treatment processing occur which may increase the concentration of radioactivity in finished water.

3. A community water system using 2 or more sources having different concentrations of radioactivity shall monitor source water, in addition to water from the consumer service outlet, when required by the department.

4. Monitoring for compliance with NR 109.50 after the initial period need not include radium-228 except when required by the department, provided, that the average annual concentration of radium-228 has been assayed at least once using the quarterly sampling procedure required by sub. (1) (a).

5. Suppliers of water shall conduct annual monitoring of any community water system in which the radium-226 concentration exceeds 3 pCi/l, when required by the department.

(c) If the average annual maximum contaminant level for gross alpha particle activity or total radium as set forth in s. NR 109.50 is exceeded, the supplier of water having a community water system shall give notice to the department pursuant to s. NR 109.80 and notify the public as required by s. NR 109.81. Monitoring at quarterly intervals shall be continued until the annual average concentration no longer exceeds the maximum contaminant level or until a monitoring schedule as a condition to a variance under s. NR 109.91, conditional waiver under s. NR 109.90 or enforcement action shall become effective. Special monitoring thereafter shall be at a frequency designated by the department.

(2) MONITORING REQUIREMENTS FOR MAN-MADE RADIOACTIVITY IN COMMUNITY WATER SYSTEMS. (a) Systems using surface water sources and serving more than 100,000 persons and such other community water systems as are designated by the department shall be monitored for initial compliance with s. NR 109.51 by analysis of a composite of 4 consecutive quarterly samples or analysis of 4 quarterly samples. Compliance with s. NR 109.51 may be assumed without further analysis if the average annual concentration of gross beta particle activity is less than 50 pCi/l and if the average annual concentrations of tritium and strontium-90 are less than those listed in Table A, provided that, if both radionuclides are present, the sum of their annual dose equivalents to bone marrow may not exceed 4 millirem/year.

1. If the gross beta particle activity exceeds 50 pCi/l, an analysis of the sample must be performed to identify the major radioactive constituents

present and the appropriate organ and total body doses shall be calculated to determine compliance with NR 109.51.

2. Suppliers of water shall conduct additional monitoring, as required by the department to determine the concentration of man-made radioactivity in principal watersheds designated by the department.

3. At the discretion of the department, suppliers of water utilizing only ground waters may be required to monitor for man-made radioactivity.

(b) After the initial analysis required by par. (a) suppliers of water shall monitor at least every 4 years following the procedure given in par. (a).

(c) The supplier of any community water system designated by the department as utilizing waters subject to contamination by effluents from nuclear facilities shall initiate quarterly monitoring for gross beta particle and iodine-131 radioactivity and annual monitoring for strontium-90 and tritium.

1. Quarterly monitoring for gross beta particle activity shall be based on the analysis of monthly samples or the analysis of a composite of 3 monthly samples. The former is recommended. If the gross beta particle activity in a sample exceeds 15 pCi/l, the same or an equivalent sample shall be analyzed for strontium-89 and cesium-134. If the gross beta particle activity exceeds 50 pCi/l, an analysis of the sample must be performed to identify the major radioactive constituents present and the appropriate organ and total body doses shall be calculated to determine compliance with NR 109.51.

2. For iodine-131, a composite of 5 consecutive daily samples shall be analyzed once each quarter. As required by the department, more frequent monitoring shall be conducted when iodine-131 is identified in the finished water.

3. Annual monitoring for strontium-90 and tritium shall be conducted by means of the analysis of a composite of 4 consecutive quarterly samples or analysis of 4 quarterly samples.

4. The department may allow the substitution of environmental surveillance data taken in conjunction with a nuclear facility for direct monitoring of man-made radioactivity by the supplier of water where the department determines such data is applicable to a particular community water system.

(d) If the average annual maximum contaminant level for man-made radioactivity set forth in s. NR 109.16 is exceeded, the operator of a community water system shall give notice to the department under s. NR 109.80 and to the public as required by s. NR 109.81. Monitoring at monthly intervals shall be continued until the concentration no longer exceeds the maximum contaminant level or until a monitoring schedule as a condition to a variance, exemption or enforcement action shall become effective.

History: Cr. Register, February, 1978, No. 266, eff. 3-1-78; am. (1) (a) (intro.) and (2) (a) (intro.), r. (1) (a) 2.a., renum. (1) (a) 2.b. and c. to be (1) (b) and (c), r. (2) (b), renum. (2) (c), (d), (intro.) and (e) to be (2) (b), (c), (intro.) and (d) and am., Register, April, 1982, No. 316, eff. 5-1-82; am. (1) (c), Register, August, 1989, No. 404, eff. 9-1-89.

**Part II — Secondary Chemical and Physical Standards and Monitoring Requirements**

**NR 109.60 Secondary inorganic chemical and physical standards.** (1) Waters containing inorganic chemicals in quantities above the limits contained in this section are not hazardous to health but may be objectionable to an appreciable number of persons.

(2) The following are the secondary standards for inorganic chemicals:

Standard	Milligrams per liter
Chloride .....	250
Color .....	15 units
Copper .....	1.0
Corrosivity .....	Noncorrosive
Fluoride* .....	2.0
Foaming agents	
MBAS (Methylene-Blue Active Substances)	0.5
Hydrogen Sulfide.....	not detectable
Iron .....	0.3
Manganese .....	0.05
Odor .....	3 (Threshold No.)
Sulfate .....	250
Total Residue.....	500
Zinc .....	5

\* Note: The primary maximum contaminant level for fluoride is contained in s. NR 109.11.

(3) The secondary standards contained in this section apply to all public water systems. Compliance with these standards shall be calculated in accordance with s. NR 109.61.

(4) **COMPLIANCE WITH THE SECONDARY DRINKING WATER STANDARD AND PUBLIC NOTIFICATION FOR FLUORIDE.** Suppliers of water having community water systems that exceed the secondary maximum contaminant level for fluoride as determined by the last single sample taken in accordance with the requirement of s. NR 109.12, but do not exceed the maximum contaminant level for fluoride as specified in s. NR 109.11, shall provide the notice prescribed in s. NR 109.81 (5) (i) to all billing units annually, all new billing units at the time service begins and annually to the department and the department of health and social services.

History: Cr. Register, February, 1978, No. 266, eff. 3-1-78; am. (2), Register, April, 1982, No. 316, eff. 3-1-82; am. (2), cr. (4), Register, August, 1989, No. 404, eff. 9-1-89.

**NR 109.61 Sampling and analytical requirements for secondary standards.** (1) If the department receives complaints regarding the aesthetic quality of the water the supplier of water may be required to implement a monitoring program to determine compliance with s. NR 109.60.

(2) If it is determined by the department that physical or chemical substances or both in excess of those standards contained in s. NR 109.60 are objectionable to an appreciable number of persons and are detrimental to the public welfare the department may, on its own motion, require remedial action by the supplier of water to insure that the public receives the highest quality water practicably obtainable.

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(3) The department may require that laboratory test results submitted to the department under this section be performed by a laboratory certified or registered under subchs. I, II, and IV of ch. NR 149.

History: Cr. Register, February, 1978, No. 266, eff. 3-1-78; am. (2), Register, April, 1982, No. 316, eff. 4-1-82; cr. (3), Register, April, 1986, No. 364, eff. 8-28-86.

### Part III — Miscellaneous Chemical Monitoring Requirements, Raw Surface Water Standards and Approved Laboratories.

**NR 109.70 Additional requirements for systems which chlorinate or fluoridate water.** (1) **FLUORIDE.** (a) The supplier of water for a community water system artificially fluoridating the water shall establish a monitoring program in order to maintain the fluoride concentration within the range of 1.0 to 1.5 milligrams per liter as recommended by the dental health section of the department of health and social services for optimum dental benefits.

(b) The monitoring program shall include:

1. Submission of the results of daily fluoride tests of samples from the distribution system, and

2. One sample per month taken from a representative location in the distribution system and submitted to the state laboratory of hygiene.

Note: For waterworks with large distribution systems and multiple sources, more than one fluoride test per day may be necessary to assure proper feed rates. See NR 111.54 (5) for testing equipment requirements. Exceptions to the daily fluoride test requirement may be approved by the department if it is demonstrated that the optimum fluoride concentration in (a) above will be maintained by a reduced monitoring program.

(c) The sample submitted to the state laboratory of hygiene shall be a portion of a split sample so that the operator can determine the fluoride concentration with the operator's equipment and compare it to the state laboratory results. The fluoride concentration obtained by the operator shall be noted on the data sheet prior to submission to the state laboratory.

(2) **CHLORINE.** The suppliers of water for all waterworks which chlorinate water shall test chlorine residuals at locations and intervals necessary to control the chlorination process. At ground water supplies, the chlorine residual of a sample from a representative location in the distribution system shall be checked at least twice per week. Waterworks having surface water treatment plants shall determine the chlorine residual in the plant effluent at least every 2 hours and in the distribution system at least daily in representative locations. Where water quality changes rapidly, residuals shall be tested at more frequent intervals as specified by the department and in those individual cases, continuous monitoring equipment may be required if the department determines it is necessary to protect public health.

Note: Chlorine residual testing is recommended when bacteriological samples are taken; results should be included on the sample slip.

History: Cr. Register, February, 1978, No. 266, eff. 3-1-78; am. (1) (b)1., Register, April, 1982, No. 316, eff. 5-1-82.

**NR 109.71 Raw surface water standards.** The intate water shall be the highest quality reasonably available and which, with appropriate treat-

ment and adequate safeguards, will meet the drinking water standards in this chapter.

History: Cr. Register, February, 1978, No. 266, eff. 3-1-78.

**NR 109.72 Laboratories.** (1) For the purpose of compliance with ss. NR 109.12, 109.13, 109.14, 109.21, 109.23, 109.25 and 109.26, 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 109.31 and 109.52, bacteriological and radiological samples shall be analyzed at a laboratory facility certified or approved by the department of health and social services, or at a laboratory facility acceptable to the U.S. environmental protection agency.

(2) All community water systems utilizing surface water sources shall analyze bacteriological samples for in-plant operational control at a laboratory facility approved by the department of health and social services.

History: Cr. Register, February, 1978, No. 266, eff. 3-1-78; renum. to be (1), cr. (2), Register, April, 1982, No. 316, eff. 5-1-82; am. (1), Register, April, 1986, No. 364, eff. 8-28-86; am. (1), Register, August, 1989, No. 404, eff. 9-1-89.

**NR 109.73 Monitoring of consecutive public water systems.** When a public water system supplies water to one or more other public water systems, the department may modify the monitoring requirements imposed by this chapter to the extent that the interconnection of the systems justifies treating them as a single system for monitoring purposes. Any modified monitoring shall be conducted pursuant to a schedule specified by the department and concurred in by the administrator of the U.S. environmental protection agency.

History: Cr. Register, February, 1978, No. 266, eff. 3-1-78.

**NR 109.74 Sampling and analytical requirements for other chemicals.** (1) If the department determines that the public health, safety or welfare requires testing for chemical or physical constituents in water which are not contained in this chapter the department may order such testing as it deems necessary.

(a) The department shall provide public notice and an opportunity for public hearing within 90 days after any order under this subsection.

(b) Hearings under this subsection shall be class 1 hearings and shall be held in accordance with ch. 227, Stats.

(c) Such testing shall be done at a laboratory certified or registered under ch. NR 149 as the department may require on a case-by-case basis.

(2) Testing for other constituents shall be performed at water systems as determined necessary by the department for design and control of treatment processes for contaminants which may affect public health or welfare. Such testing shall be done at a laboratory certified or registered under ch. NR 149 as the department may require on a case-by-case basis.

History: Cr. Register, February, 1978, No. 266, eff. 3-1-78; cr. (1) (c), am. (2), Register, April, 1986.

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**Part IV — Reporting, Public Notification and Recordkeeping**

**NR 109.80 Reporting requirements.** (1) Except where a shorter reporting period is specified in this chapter, the supplier of water shall report to the department the results of any test measurement or analysis required by this chapter within:

(a) The first 10 days following the month in which the result is received; or

(b) The first 10 days following the end of the required monitoring period as stipulated by the department, whichever of these is shortest.

(2) The supplier of water shall report to the department within 48 hours the failure to comply with any maximum contaminant level or monitoring requirement set forth in this chapter.

(3) The supplier of water is not required to report analytical results to the department in cases where the state laboratory of hygiene performs the analysis and reports the results to the department.

(4) The supplier of water, within 10 days of completion of each public notification required under s. NR 109.81, shall submit to the department a representative copy of each type of notice distributed, published, posted, or made available to the persons served by the system or to the media, or both.

(5) Upon the request of the department, the supplier of water shall submit to the department copies of any records required to be maintained under s. NR 109.82 or copies of any documents then in existence which the department is entitled to inspect under the authority of s. 144.09, Stats.

**History:** Cr. Register, February, 1978, No. 266, eff. 3-1-78; am. (1), cr. (4) and (5), Register, April, 1982, No. 316, eff. 5-1-82; am. (3), Register, August, 1989, No. 404, eff. 9-1-89.

**NR 109.81 Public notification.** (1) **MAXIMUM CONTAMINANT LEVEL (MCL), TREATMENT TECHNIQUE, VARIANCE, AND CONDITIONAL WAIVER VIOLATIONS.** The owner or operator of a public water system which fails to comply with an applicable MCL or treatment technique established by this chapter or which fails to comply with the requirements of any variance under s. NR 109.91 or conditional waiver under s. NR 109.90 shall notify persons served by the system as follows:

(a) Except as provided in par. (c), the owner or operator of a community water system shall give notice:

1. By publication in a daily newspaper of general circulation in the area served by the system as soon as possible, but in no case later than 14 days after the violation or failure. If the area served by a community water system is not served by a daily newspaper of general circulation, notice shall instead be given by publication in a weekly newspaper of general circulation serving the area; and

2. By mail delivery, by direct mail or with the water bill, or by hand delivery, not later than 45 days after the violation or failure. The department may waive mail or hand delivery if it determines that the owner or operator of the community water system in violation has corrected the violation or failure within the 45-day period. The department shall make the determination in writing and within the 45-day period; and

3. For violation of the MCLs of contaminants that may pose an acute risk to human health, by furnishing a copy of the notice to the radio and television stations serving the area served by the community water system as soon as possible but in no case later than 72 hours after the violation. The following violations are acute violations:

a. Any violation specified by the department as posing an acute risk to human health.

b. Any violation of the microbiological MCL which the department determines warrants a notification to boil water.

c. Violation of the MCL for nitrate as defined in s. NR 109.11 (2) and determined according to s. NR 109.12.

(b) Except as provided in par. (c), following the initial notice given under par. (a), the owner or operator of the community water system shall give notice at least once every 3 months by mail delivery (by direct mail or with the water bill) or by hand delivery, for as long as the violation or failure exists.

(c) In lieu of the requirements of par. (a) 1. or 2., the owner or operator of a community water system in an area that is not served by a daily or weekly newspaper of general circulation shall give notice within 14 days after the violation or failure by hand delivery or by continuous posting in conspicuous places within the area served by the system. Posting shall continue for as long as the violation or failure exists. Notice by hand delivery shall be repeated at least every 3 months for as long as the violation or failure exists.

(d) The owner or operator of a non-community water system shall give notice within 72 hours after the violation or failure by continuous posting in conspicuous places within the area served by the system. The owner or operator of a system such as a restaurant which is permitted to serve water exceeding a maximum contaminant level to customers away from water outlets shall provide a written public notice at each table. Posting shall continue for as long as the violation or failure exists.

(2) OTHER VIOLATIONS, VARIANCES, CONDITIONAL WAIVERS. The owner or operator of a public water system which fails to perform monitoring required by this chapter, fails to comply with a testing procedure established by this chapter, is subject to a variance granted under Part V of this chapter or is subject to a conditional waiver under Part V of this chapter shall notify persons served by the system as follows:

(a) Except as provided in par. (c) or (d), the owner or operator of a community water system shall give notice within 3 months of the violation or granting of a conditional waiver under s. NR 109.90 by publication in a daily newspaper of general circulation in the area served by the system. If the area served by a community water system is not served by a daily newspaper of general circulation, notice shall instead be given by publication in a weekly newspaper of general circulation serving the area.

(b) Except as provided in par. (c) or (d), following the initial notice given under par. (a), the owner or operator of the community water system shall give notice at least once every 3 months by mail delivery (by direct mail or with the water bill) or by hand delivery, for as long as the violation exists. Repeat notice of the existence of a conditional waiver

under s. NR 109.90 shall be given every 3 months for as long as the conditional waiver remains in effect.

(c) In lieu of the requirements of par. (a) or (b), the owner or operator of a community water system in an area that is not served by a daily or weekly newspaper of general circulation shall give notice, within 3 months of the violation, or granting of a conditional waiver under s. NR 109.90, by hand delivery or by continuous posting in conspicuous places within the area served by the system. Posting shall continue for as long as the violation exists or the conditional waiver remains in effect. Notice by hand delivery shall be repeated at least every 3 months for as long as the violation exists or the conditional waiver remains in effect.

(d) The owner or operator of a non-community water system shall give notice, within 72 hours of the violation or the granting of the variance under s. NR 109.91 or conditional waiver under s. NR 109.90, by continuous posting at all drinking water outlets within the area served by the system. Posting shall continue for as long as the violation exists, or the variance or conditional waiver remains in effect.

(e) The owner or operator of a community water system serving an institution and granted a variance from the maximum contaminant level for nitrate as nitrogen under s. NR 109.91 (2) shall give notice, within 72 hours of the granting of the variance, by continuous posting at all drinking water outlets within the area served by the system. Posting shall continue for as long as the variance remains in effect.

(f) In lieu of the requirements of par. (a), (b), (c) or (d), the owner or operator of a public water system may provide a summary public notice for bacteriological monitoring violations totalling no more than 3 months in any calendar year. Such notice shall be provided no later than 90 days after the end of the calendar year in which the violations occurred.

(3) NOTICE TO NEW BILLING UNITS. The owner or operator of a community water system shall give a copy of the most recent public notice for any outstanding violation of any maximum contaminant level, treatment technique requirement or conditional waiver under s. NR 109.90 to all new billing units or new hookups prior to or at the time service begins.

(4) GENERAL CONTENT OF PUBLIC NOTICE. Each notice required by this section shall provide a clear and readily understandable explanation of the violation, any potential adverse health effects, the population at risk, the steps that the supplier of water is taking to correct such violation, the necessity for seeking alternative water supplies, if any, and any preventive measures the consumer should take until the violation is corrected. Each notice shall be conspicuous and may not contain unduly technical language, unduly small print, or similar problems that frustrate the purpose of the notice. Each notice shall include the telephone number of the owner, operator, or designee of the public water system as a source of additional information concerning the notice. Where appropriate, the notice shall be multi-lingual.

(5) MANDATORY HEALTH EFFECTS LANGUAGE. When providing the information on potential adverse health effects required by sub. (4) in notices of violations of maximum contaminant levels or treatment technique requirements, notices of the granting or the continued existence of a conditional waiver under s. NR 109.90 or a variance under s. NR

109.91 or notices of failure to comply with a conditional waiver under s. NR 109.90 or a variance under s. NR 109.91, the owner or operator of a public water system shall include the following language specified for each contaminant.

Note: If language for a particular contaminant is not specified below at the time notice is required, this section does not apply.

(a) *Trichloroethylene*. The United States Environmental Protection Agency (EPA) sets national drinking water standards and has determined that trichloroethylene is a health concern at certain levels of exposure. This chemical is a common metal cleaning and dry cleaning fluid. It generally gets into drinking water by improper waste disposal. This chemical has been shown to cause cancer in laboratory animals such as rats and mice when the animals are exposed at high levels over their lifetimes. Chemicals that cause cancer in laboratory animals also may increase the risk of cancer in humans who are exposed at lower levels over long periods of time. EPA has set forth the enforceable drinking water standard for trichloroethylene at 0.005 parts per million (ppm) to reduce the risk of cancer or other adverse health effects which have been observed in laboratory animals. Drinking water which meets this standard is associated with little to none of this risk and should be considered safe.

(b) *Carbon tetrachloride*. The United States Environmental Protection Agency (EPA) sets national drinking water standards and has determined that carbon tetrachloride is a health concern at certain levels of exposure. This chemical was once a popular household cleaning fluid. It generally gets into drinking water by improper waste disposal. This chemical has been shown to cause cancer in laboratory animals such as rats and mice when the animals are exposed to high levels over their lifetimes. Chemicals that cause cancer in laboratory animals also may increase the risk of cancer in humans who are exposed at lower levels over long periods of time. EPA has set forth the enforceable drinking water standard for carbon tetrachloride at 0.005 parts per million (ppm) to reduce the risk of cancer or other adverse health effects which have been observed in laboratory animals. Drinking water which meets this standard is associated with little to none of this risk and should be considered safe.

(c) *1,2-Dichloroethane*. The United States Environmental Protection Agency (EPA) sets national drinking water standards and has determined that 1,2-dichloroethane is a health concern at certain levels of exposure. This chemical is used as a cleaning fluid for fats, oils, waxes and resins. It generally gets into drinking water by improper waste disposal. This chemical has been shown to cause cancer in laboratory animals such as rats and mice when the animals are exposed at high levels over their lifetimes. Chemicals that cause cancer in laboratory animals also may increase the risk of cancer in humans who are exposed at lower levels over long periods of time. EPA has set forth the enforceable drinking water standard for 1,2-dichloroethane at 0.005 parts per million (ppm) to reduce the risk of cancer or other adverse health effects which have been observed in laboratory animals. Drinking water which meets this standard is associated with little to none of this risk and should be considered safe.

(d) *Vinyl chloride*. The United States Environmental Protection Agency (EPA) and the Wisconsin Department of Natural Resources set drinking water standards and have determined that vinyl chloride is a Register, August, 1989, No. 404

health concern at certain levels of exposure. This chemical is used in industry and is found in drinking water as a result of the breakdown of related solvents. The solvents are used as cleaners and degreasers of metals and generally get into drinking water by improper disposal. This chemical has been associated with with significantly increased risks of cancer among certain industrial workers who were exposed to relatively large amounts of this chemical during their working careers. This chemical has also been shown to cause cancer in laboratory animals when the animals are exposed at high levels over their lifetimes. Chemicals that cause increased risk of cancer among exposed industrial workers and in laboratory animals also may increase the risk of cancer in humans who are exposed at lower levels over long periods of time. The Wisconsin Department of Natural Resources has set the enforceable drinking water standard for vinyl chloride at 0.0002 parts per million (ppm) to reduce the risk of cancer or other adverse health effects which have been observed in humans and laboratory animals. Drinking water which meets this standard is associated with little to none of this risk and should be considered safe.

(e) *Benzene*. The United States Environmental Protection Agency (EPA) sets national drinking water standards and has determined that benzene is a health concern at certain levels of exposure. The chemical is used as a solvent and degreaser of metals. It is also a major component of gasoline. Drinking water contamination generally results from leaking underground gasoline and petroleum tanks or improper waste disposal. This chemical has been associated with significantly increased risks of leukemia among certain industrial workers who were exposed to relatively large amounts of this chemical during their working careers. This chemical has also been shown to cause cancer in laboratory animals when the animals are exposed at high levels over their lifetimes. Chemicals that cause increased risk of cancer among exposed industrial workers and laboratory animals also may increase the risk of cancer in humans who are exposed at lower levels over long periods of time. EPA has set the enforceable drinking water standard for benzene at 0.005 parts per million (ppm) to reduce the risk of cancer or other adverse health effects which have been observed in humans and laboratory animals. Drinking water which meets this standard is associated with little to none of this risk and should be considered safe.

(f) *1,1-Dichloroethylene*. The United States Environmental Protection Agency (EPA) sets national drinking water standards and has determined that 1,1-dichloroethylene is a health concern at certain levels of exposure. This chemical is used in industry and is found in drinking water as a result of the breakdown of related solvents. The solvents are used as cleaners and degreasers of metals and generally get into drinking water by improper waste disposal. This chemical has been shown to cause liver and kidney damage in laboratory animals such as rats and mice when the animals are exposed at high levels over their lifetimes. Chemicals which cause adverse effects in laboratory animals also may cause adverse health effects in humans who are exposed at lower levels over long periods of time. EPA has set the enforceable drinking water standard for 1,1-dichloroethylene at 0.007 parts per million (ppm) to reduce the risk of these adverse health effects which have been observed in laboratory animals. Drinking water which meets this standard is associated with little to none of this risk and should be considered safe.

(g) *Para-dichlorobenzene*. The United States Environmental Protection Agency (EPA) sets national drinking water standards and has determined that para-dichlorobenzene is a health concern at certain levels of exposure. This chemical is a component of deodorizers, moth balls and pesticides. It generally gets into drinking water by improper waste disposal. This chemical has been shown to cause liver and kidney damage in laboratory animals such as rats and mice when the animals are exposed to high levels over their lifetimes. Chemicals that cause adverse effects in laboratory animals also may cause adverse health effects in humans who are exposed at lower levels over long periods of time. EPA has set the enforceable drinking water standard for para-dichlorobenzene at 0.075 parts per million (ppm) to reduce the risk of these adverse health effects which have been observed in laboratory animals. Drinking water which meets this standard is associated with little to none of this risk and should be considered safe.

(h) *1,1,1-Trichloroethane*. The United States Environmental Protection Agency (EPA) sets national drinking water standards and has determined that 1,1,1-trichloroethane is a health concern at certain levels of exposure. This chemical is used as a cleaner and degreaser of metals. It generally gets into drinking water by improper waste disposal. This chemical has been shown to damage the liver, nervous system and circulatory system of laboratory animals such as rats and mice when the animals are exposed at high levels over their lifetimes. Some industrial workers who were exposed to relatively large amounts of this chemical during their working careers also suffered damage to the liver, nervous system and circulatory system. Chemicals which cause adverse effects among exposed industrial workers and in laboratory animals also may cause adverse health effects in humans who are exposed at lower levels over long periods of time. EPA has set the enforceable drinking water standard for 1,1,1-trichloroethane at 0.2 parts per million (ppm) to protect against the risk of these adverse health effects which have been observed in humans and laboratory animals. Drinking water which meets this standard is associated with little to none of this risk and should be considered safe.

(i) *Fluoride*. The notice shall contain the following language:

Public Notice

Dear User,

The U.S. Environmental Protection Agency requires that we send you this notice on the level of fluoride in your drinking water. The drinking water in your community has a fluoride concentration of \_\_\_\_\_ (water supplier insert the compliance result which triggered the notification) milligrams per liter (mg/l).

Federal regulations require that fluoride, which occurs naturally in your water supply, not exceed a concentration of 4.0 mg/l in drinking water. This is an enforceable standard called a Maximum Contaminant Level (MCL), and it has been established to protect the public health. Exposure to drinking water levels above 4.0 mg/l for many years may result in some cases of crippling skeletal fluorosis, which is a serious bone disorder.

Federal law also requires that we notify you when monitoring indicates that the fluoride in your drinking water exceeds 2.0 mg/l. This is Register, August, 1989, No. 404

intended to alert families about dental problems that might affect children under 9 years of age. The fluoride concentration of your water exceeds this federal guideline.

Fluoride in children's drinking water at levels of approximately 1 mg/l reduces the number of dental cavities. However, some children exposed to levels of fluoride greater than about 2.0 mg/l may develop dental fluorosis. Dental fluorosis, in its moderate and severe forms, is a brown staining and/or pitting of the permanent teeth.

Because dental fluorosis occurs only when developing teeth (before they erupt from the gums) are exposed to elevated fluoride levels, households without children are not expected to be affected by this level of fluoride. Families with children under the age of 9 are encouraged to seek other sources of drinking water for their children to avoid the possibility of staining and pitting.

Your water supplier can lower the concentration of fluoride in your water so that you will still receive the benefits of cavity prevention while the possibility of stained and pitted teeth is minimized. Removal of fluoride may increase your water costs. Treatment systems are also commercially available for home use. Information on such systems is available at the address given below. Low fluoride bottled drinking water that would meet all standards is also commercially available.

For further information, contact \_\_\_\_\_ (water supplier insert the name, address, and telephone number of a contact person at the public water system) at your water system.

(6) **PUBLIC NOTICES FOR FLUORIDE.** Notice of violation of the maximum contaminant level for fluoride, notice of a conditional waiver under s. NR 109.90 from the maximum contaminant level for fluoride, and notice of failure to comply with a conditional waiver under s. NR 109.90 for the maximum contaminant level for fluoride shall consist of the public notice prescribed in sub. (5) (i), plus a description of any steps which the system is taking to come into compliance.

(7) **FAILURE TO COMPLY** If a public water system fails to comply with the requirements of this section, the department may issue public notification directly.

**History:** Cr. Register, February, 1978, No. 266, eff. 3-1-78; am. (4) (a), Register, April, 1982, No. 316, eff. 5-1-82; r. and recr., Register, August, 1989, No. 404, eff. 9-1-89.

**NR 109.82 Record maintenance.** Any owner or operator of a public water system subject to the provisions of this chapter shall retain on the premises or at a convenient location near the premises the following records:

(1) Records of bacteriological analyses made pursuant to this part shall be kept for not less than 5 years. Records of chemical analyses made pursuant to this part shall be kept for not less than 10 years. Actual laboratory reports may be kept, or data may be transferred to tabular summaries, provided that the following information is included:

(a) The date, place, and time of sampling, and the name of the person who collected the sample;

(b) Identification of the sample as to whether it was a routine distribution system sample, check sample, raw or process water sample or other special purpose sample;

(c) Date of analysis;

(d) Laboratory and person responsible for performing analysis;

(e) The analytical technique/method used; and

(f) The results of the analysis.

(2) Records of action taken by the supplier of water to correct violations of this chapter shall be kept for a period not less than 3 years after the last action taken with respect to the particular violation involved.

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

(4) Records concerning a variance or exemption granted to the system shall be kept for a period ending not less than 5 years following the expiration of such variance or exemption.

History: Cr. Register, February, 1978, No. 266, eff. 3-1-78; am. (intro.), Register, April, 1982, No. 316, eff. 5-1-82.

#### Part V — Conditional Waivers and Variances

Note: Ch. NR 109, Part V, was repealed and recreated by Register, August, 1989, No. 404, eff. 9-1-89.

**NR 109.90 Conditional waivers.** (1) A public system is eligible to apply to the department for a conditional waiver respecting compliance with a maximum contaminant level or treatment technique requirement if:

(a) Because of the characteristics of the raw water sources which are reasonably available, the public water system cannot comply with a maximum contaminant level,

(b) Compelling factors indicate that the public water system cannot comply with a maximum contaminant level or treatment technique requirement for a limited period of time, and

(c) Granting of a conditional waiver will not result in an unreasonable risk to public health.

(2) The department may grant a conditional waiver with the following requirements if the supplier of water has established that the criteria of sub. (1) have been met:

(a) Compliance, including increments of progress, by the supplier of water with each maximum contaminant level or treatment technique requirement within the time frame specified by the department in the compliance schedule, and

(b) Implementation by the supplier of water of such control measures as the department deems necessary until compliance with the maximum contaminant level or treatment technique requirement is achieved.

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(3) Before the department may grant a conditional waiver under this subsection a class 1 public notice under ch. 985, Stats., and opportunity for a public hearing on the proposed conditional waiver shall be provided by the department. A hearing held pursuant to a request under this paragraph is a class 1 hearing and shall be conducted in accordance with ch. 227, Stats.

(4) The department may extend a compliance deadline not to exceed 3 years after the date a conditional waiver is granted under sub. (2) if the supplier of water establishes that:

(a) The public water system cannot meet the maximum contaminant level or treatment technique requirement without capital improvements which cannot be completed within the period of such conditional waiver,

(b) The supplier of water has entered into an enforceable agreement to become part of a regional public water system or, if the supplier of water needs financial assistance for the necessary capital improvements, the supplier of water has entered into an agreement to obtain such financial assistance, and

(c) The supplier of water is taking all practicable steps to meet the standard.

(5) The department may renew an extension granted under sub. (4) if the supplier of water establishes that:

(a) The public water system does not serve more than 500 service connections,

(b) The public water system cannot meet a maximum contaminant level or treatment technique requirement without financial assistance for the necessary capital improvements, and

(c) The public water system is taking all practicable steps to achieve compliance with a maximum contaminant level or treatment technique requirement.

History: Cr. Register, August, 1989, No. 404, eff. 9-1-89.

**NR 109.91 Nitrate variances.** (1) A non-community water system is eligible for a variance from the nitrate as nitrogen maximum contaminant level if:

(a) The department determines that because of the characteristics of the raw water sources which are reasonably available, the non-community water system cannot comply with the maximum contaminant level for nitrate as nitrogen; and

(b) The non-community water system has not had a nitrate as nitrogen sample which exceeds 20 mg/l, confirmed by a check sample; and

(c) The supplier of water continuously posts a department approved notice at all water taps supplied with water by the non-community water system. The notice shall state that the nitrate as nitrogen level exceeds 10 mg/l and describe the potential health effects of exposure; and

(d) The supplier of water ensures that water from its system will not be available to children under 6 months of age and provides bottled water which complies with all maximum contaminant levels for such children; and

- (e) No adverse health effects will result.
- (2) A community water system serving a nursing home, prison or mental health care facility, is eligible for a variance from the nitrate as nitrogen maximum contaminant level if:
- (a) The institution does not permit infants under 6 months of age as residents; and
  - (b) The community water system has not had a nitrate as nitrogen sample which exceeds 20 mg/l, confirmed by a check sample; and
  - (c) The institution continuously posts a department approved notice at all water taps supplied with water by the community water system. The notice shall state that the nitrate as nitrogen level exceeds 10 mg/l and describe the potential health effects of exposure; and
  - (d) The institution ensures that water from its system will not be available to children under 6 months of age and provides bottled water which complies with all maximum contaminant levels for such children; and
  - (e) No adverse health effects will result.
- (3) The department may condition the issuance of a variance under this section on compliance with such control measures as it deems necessary. Failure to comply with any term or condition of a variance granted by the department under this section voids the variance.

History: Cr. Register, August, 1989, No. 404, eff. 9-1-89.