

Chapter NR 140

GROUNDWATER QUALITY

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Subchapter I — General

**NR 140.01 Purpose.** The purpose of this chapter is to establish groundwater quality standards for substances detected in or having a reasonable probability of entering the groundwater resources of the state; to specify scientifically valid procedures for determining if a numerical standard has been attained or exceeded; to specify procedures for establishing points of standards application, and for evaluating groundwater monitoring data; to establish ranges of responses the department may require if a groundwater standard is attained or exceeded; and to provide for exemptions for facilities, practices and activities regulated by the department.

History: Cr. Register, September, 1985, No. 357, eff. 10-1-85.

**NR 140.02 Regulatory framework.** (1) This chapter supplements the regulatory authority elsewhere in the statutes and administrative rules. The department will continue to exercise the powers and duties in those regulatory programs, consistent with the enforcement standards and preventive action limits for substances in groundwater under this chapter. This chapter provides guidelines and procedures for the exercise of regulatory authority which is established elsewhere in the statutes and administrative rules, and does not create independent regulatory authority.

(2) The department may adopt regulations which establish specific design and management criteria for regulated facilities or activities, if the regulations will ensure that the regulated facilities and activities will not cause the concentration of a substance in groundwater affected by the facilities or activities to exceed the enforcement standards and preventive action limits under this chapter at a point of standards application. The department may adopt more stringent regulations under authority elsewhere in the statutes based on the best currently available technology for regulated activities and practices which ensure a greater degree of groundwater protection or when necessary to comply with state or federal laws.

(3) Preventive action limits serve to inform the department of potential groundwater contamination problems, establish the level of groundwater contamination at which the department is required to commence efforts to control the contamination and provide a basis for design and management practice criteria in administrative rules. Preventive action limits are applicable both to controlling new releases of contamination as well as to restoring groundwater quality contaminated by past releases of contaminants. Although a preventive action limit is not intended to always require remedial action, activities affecting groundwater must be regulated to minimize the level of substances to the extent technically and economically feasible, and to maintain compliance with the preventive action limits unless compliance with the preventive action limits is not technically and economically feasible.

History: Cr. Register, January, 1992, No. 433, eff. 2-1-92.

**NR 140.03 Applicability.** This subchapter and subch. II apply to all facilities, practices and activities which may affect groundwater quality and which are regulated under ch. 85, 93, 94, 101, 144, 145, 146 or 147, Stats., by the department of agriculture, trade and consumer protection, the department of industry, labor and human relations, the department of transportation, or the department of natural resources, as well as to facilities, practices and activities which may affect groundwater quality which are regulated by other regulatory agencies. Health-related enforcement standards adopted in s. NR 140.10 also apply to bottled drinking water manufactured, bottled, sold or distributed in this state as required by s. 97.34 (3) (b), Stats., and to determining eligibility for the well compensation program under s. 144.027, Stats. Subchapter III applies to all facilities, practices and activities which may affect groundwater quality and which are regulated by the department under ch. 144, 146 or 147, Stats. This chapter does not apply to any facilities, practices or activities on a prospecting site or a mining site because those facilities, practices and activities are subject to the groundwater quality requirements of chs. NR 131, 132 and 182. The department may promulgate new rules or amend rules governing facilities, practices or activities regulated under ss. 144.80 to 144.94, Stats., if the department determines that the amendment or promulgation of rules is necessary to protect public health, safety or welfare. The requirements of this chapter are in addition to the requirements of any other statutes and rules.

*Note:* This chapter does not apply to public water systems except for the purpose of determining eligibility for well compensation as stated above. Chapter NR 109 contains maximum contaminant levels applicable to public water systems. Drinking water maximum contaminant levels and health advisory levels may take into account such factors as treatment costs and feasibility for public water systems.

History: Cr. Register, September, 1985, No. 357, eff. 10-1-85.

**NR 140.05 Definitions.** (1) "Accuracy" means the closeness of a measured value to its generally accepted value or its value based upon an accepted reference standard.

(1m) "Alternative concentration limit" means the concentration of a substance in groundwater established by the department for a site to replace a preventive action limit or enforcement standard or both, from Table 1 or 2, when an exemption is granted in accordance with s. NR 140.28.

Register, January, 1992, No. 433