

## 2003 SENATE BILL 551

March 11, 2004 – Introduced by Senators LAZICH, KANAVAS, DARLING, ROESSLER, REYNOLDS and S. FITZGERALD, cosponsored by Representatives GUNDRUM, JENSEN, GARD, NISCHKE, HINES, LADWIG, HAHN, MUSSER, STONE, ALBERS, GUNDERSON, PETROWSKI, VRAKAS, GIELOW, VAN ROY, SERATTI, M. LEHMAN, NASS and OLSEN. Referred to Committee on Environment and Natural Resources.

1     **AN ACT** *to create* 281.18 of the statutes; **relating to:** connection of water sources  
2             producing water that contains radium 225, radium 228, or gross alpha particle  
3             radioactivity to public water systems.

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### ***Analysis by the Legislative Reference Bureau***

Current law requires the Department of Natural Resources (DNR) to promulgate by rule standards for methods to obtain pure drinking water for human consumption and safeguards necessary to protect public health against the hazards of polluted sources of water used for human consumption. The law also authorizes DNR to administer a Safe Drinking Water Program that is no less stringent than the requirements of the federal Safe Drinking Water Act. Under this authority, DNR has promulgated maximum contaminant levels for various substances in drinking water, including radium 226 and 228 and gross alpha particle radioactivity. Gross alpha particle radioactivity is total radioactivity due to alpha particle emissions. DNR has also promulgated a rule that prohibits a water source (a well, for example) that produces water with a concentration of a substance that exceeds a maximum contaminant level from being connected to a public water system unless blending or treatment is provided so that the maximum contaminant level is not exceeded upon entry of the water to the distribution system.

This bill provides that DNR may not prohibit the connection of a water source to a public water system on the grounds that the water source produces water with a concentration of radium 226 and 228 or gross alpha particle radioactivity that exceeds a maximum contaminant level if the maximum contaminant level is not

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exceeded at the point at which water is sampled, based on an annual average of four samples, one taken each calendar quarter. The bill also requires DNR to allow the sampling to be conducted in the well discharge line at a point between the entry point of water from the water source if the samples taken are representative of the water normally provided to the closest service connection.

For further information see the *local* fiscal estimate, which will be printed as an appendix to this bill.

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***The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:***

1           **SECTION 1.** 281.18 of the statutes is created to read:

2           **281.18 Connection of water sources producing water that contains**  
3 **certain radionuclides to public water systems. (1)** In this section, “public  
4 water system” has the meaning given in s. 281.61 (1) (c).

5           **(2)** Notwithstanding the authority given to the department by ss. 280.11 (1)  
6 and 281.17 (8), the department may not prohibit the connection to a public water  
7 system of a water source on the grounds that the water source produces water with  
8 a concentration of combined radium 226 and radium 228 or gross alpha particle  
9 radioactivity that exceeds a maximum contaminant level established by the  
10 department by rule or prohibit the use of such a water source on those grounds if the  
11 maximum contaminant level is not exceeded at the point in the distribution system  
12 at which water is sampled, based on an annual average of 4 samples, one taken each  
13 calendar quarter. The department shall allow the sampling to be conducted in the  
14 well discharge line at a point before the connection to the distribution system if the  
15 samples taken are representative of the water normally provided to the service  
16 connection that is closest to the entry point. If the water source is used during a  
17 calendar quarter, the person operating the public water system shall conduct the  
18 sampling while the water source is being used.

**SENATE BILL 551****1 SECTION 2. Nonstatutory provisions.**

2 (1) REOPENING CONSENT AGREEMENTS. If, before the first day of the 12th month  
3 beginning after the effective date of this subsection, the operator of a public water  
4 system that entered into a consent agreement with the department of natural  
5 resources concerning compliance with a maximum contaminant level for combined  
6 radium 226 and radium 228 or gross alpha particle radioactivity requests the  
7 department to reopen the consent agreement so that the operator may use section  
8 281.18 of the statutes, as created by this act, to achieve compliance with the  
9 maximum contaminant level, the department shall reopen the consent agreement.

10 (END)