

**Testimony of the Department of Natural Resources  
Relating to Clearinghouse Rule 03-067**

**Committee on Environment and Natural Resources**

**November, 20, 2003**

**By Don Swailes  
Bureau of Drinking Water and Groundwater**

My name is Don Swailes, I am the Drinking Water Quality Section Chief in the Bureau of Drinking Water and Groundwater. My Section is responsible for implementation of the federal Safe Drinking Water Act regulations in Wisconsin for which the Wisconsin Department of Natural Resources has primacy.

Our primacy agreement and Wisconsin Stats. (281.17(8)), both state that we can establish and administer a safe drinking water program no less stringent than the requirements of the Safe Drinking Water Act. The Department supports this rule, which mirrors federal Arsenic regulations promulgated in January 2001. IMPLEMENT IN 2006, BUT IS ALREADY PUBLISHED

The proposed rule was taken to public hearing at four locations around the State at two different times on August 13, 2003. One comment specific to the rule was received at public hearing. The Wisconsin Rural Water Association (WRWA) expressed concern regarding the financial burden that compliance with the Arsenic Rule will exert on low income consumers and small system owners. No additional oral or written comments specific to this rule were received. All comments received from the Legislative Council Rules Clearinghouse were incorporated.

The major component of this new Arsenic regulation is that it lowers the arsenic standard from the current concentration of 50 parts per billion to a new standard of 10 parts per billion (ppb). The regulation applies to about 2000 public water systems in Wisconsin ranging from municipal systems to water systems serving schools and rural industries and commercial establishments. Based on sampling performed over the past 5 to 10 years, we anticipate that this regulation may impact up to 80 of the 2000 systems regulated under the new rule. About 30% of the potential violators are municipal systems, about 35% are privately owned residential systems (other than municipal) and the remaining 35% are nonresidential systems that include schools, commercial establishments, and industries. Over 90% of the potential violators are considered small systems (i.e. they serve less than 3300 persons).

Arsenic treatment, if needed, may be costly. However, an important feature of this new regulation is that the new standard (10-ppb) does not go into effect until January 23, 2006. So systems with potential violations have a significant amount of time to investigate potential remedies and obtain financing to address their problem before the new standard takes effect.

Thank you for the opportunity to testify regarding Clearinghouse Rule 03-067

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WATER SYSTEMS

POTENTIAL ARSENIC PROBLEMS

Contam.	Measured Amount	Units	System Name	DNR Public Water		System Type	Pop.	Sample date/mm/dd/yyyy	Sample type	Sample Source ID	County
				Supply ID	Water						
ARSENIC	0.012	MG/L	13000 W BLUEMOUND BUILDING	26818847		NN	25	36768	W	1	Waukesha
ARSENIC	0.014	MG/L	ADELL WATERWORKS	46004354		MC	536	36425	D	2	Sheboygan
ARSENIC	0.021	MG/L	AGRILINK FOODS INC	26503994		NN	250	36704	W	1	Walworth
ARSENIC	0.012	MG/L	ALBERTA SUBDIVISION	24601412		OC	88	36768	W	1	Ozaukee
ARSENIC	0.062	MG/L	ALLIANT ENERGY WIS POWER & LIGHT	42004765		MC	7241	36647	W	6	Fond du Lac
ARSENIC	0.01	MG/L	ASHWAUBENON WATERWORKS	40504563		MC	17777	36629	D	7	Brown
ARSENIC	0.02	MG/L	ATACO STEEL PRODUCTS CO SHOP WELL	24609508		NN	90	36662	W	1	Ozaukee
ARSENIC	0.019	MG/L	BAKER CHEESE INC 2	42013939		NN	70	36689	W	1	Fond du Lac
ARSENIC	0.032	MG/L	BIBLE BAPTIST CHURCH OF UTICA	11307351		NN	150	36769	W	1	Dane
ARSENIC	0.011	MG/L	BONDUEL WATERWORKS	45904507		MC	1160	36396	D	1	Shawano
ARSENIC	0.013	MG/L	BROOKFIELD UNITED METHODIST	26810784		NN	85	36670	W	1	Waukesha
ARSENIC	0.011	MG/L	CAMBRIA WATERWORKS	11100419		MC	768	36703	W	1	Columbia
ARSENIC	0.024	MG/L	CEDAR CREST SPECIALTIES	24602974		NN	50	36661	W	1	Ozaukee
ARSENIC	0.0328	MG/L	CEDAR FALLS ELEMENTARY SCH	61703004		NN	190	36747	D	2	Dunn
ARSENIC	0.0111	MG/L	CENTURY ESTATES 2	24601445		OC	150	36879	D	1	Ozaukee
ARSENIC	0.01	MG/L	CENTURY ESTATES 3	24601357		OC	300	36670	W	2	Ozaukee
ARSENIC	0.0103	MG/L	COUNTRY AIRE APARTMENTS 2	26802479		OC	56	36759	D	1	Waukesha
ARSENIC	0.0102	MG/L	COUNTRY AIRE APARTMENTS 7	26853453		OC	25	36759	D	1	Waukesha
ARSENIC	0.028	MG/L	CRYSTAL LAKE CAMPGROUND	11100661		OC	90	36682	W	1	Columbia
ARSENIC	0.019	MG/L	CRYSTAL LAKE CAMPGROUND	11100661		OC	90	36682	W	2	Columbia
ARSENIC	0.0247	MG/L	DOUGLAS PLAZA CONDOMINIUMS 2 (SOUTH)	26808628		OC	62	36719	D	1	Waukesha
ARSENIC	0.014	MG/L	ELKHORN WATERWORKS	26500628		MC	5337	36641	W	7	Walworth
ARSENIC	0.015	MG/L	FAIRWATER WATERWORKS	42004633		MC	302	36640	W	1	Fond du Lac
ARSENIC	0.015	MG/L	FIVE CORNERS GMC SALES & SERVICE	24605669		NN	35	36670	W	1	Ozaukee

ARSENIC	0.016	MG/L	FIVE CORNERS PROFESSIONAL BLDG	24614084	NN	75	36676	W	1	Ozaukee
ARSENIC	0.012	MG/L	FOND DU LAC WATERWORKS	42004699	MC	37757	36480	D	200	Fond du Lac
ARSENIC	0.036	MG/L	FOREMOST FARMS USA COOPERATIVE	73713871	NN	25	36669	W	3	Marathon
ARSENIC	0.01	MG/L	FOX LAKE CORRECTIONAL INSTITUTION	11401445	MC	1050	36634	W	3	Dodge
ARSENIC	0.047	MG/L	GREEN BAY WATERWORKS	40503562	MC	102726	36635	W	7	Brown
ARSENIC	0.01	MG/L	GREENBRIER HOMEOWNERS ASSOCIATION	24601291	OC	240	36633	D	200	Ozaukee
ARSENIC	0.012	MG/L	INTERLAKEN RESORT VILLAGE	26501431	OC	300	36683	W	2	Walworth
ARSENIC	0.019	MG/L	KIMBERLY CLARK SW OFFICE	47106136	NN	30	36865	W	1	Winnebago
ARSENIC	0.038	MG/L	KOLB LENA BRESSE BLEU	11410982	NN	77	36766	W	1	Dodge
ARSENIC	0.021	MG/L	LAD LAKE INC (DORM)	26801951	OC	40	36787	W	2	Waukesha
ARSENIC	0.02	MG/L	LAKEVIEW SCHOOL	25202485	NN	430	36782	W	1	Racine
ARSENIC	0.018	MG/L	LAUREL ACRES	24601467	OC	276	36740	W	2	Ozaukee
ARSENIC	0.026	MG/L	LEBANON LUTHERAN SCHOOL - ST PETERS BLDG	11401841	NN	57	36685	W	1	Dodge
ARSENIC	0.018	MG/L	LOTS FOR TOTS	25219436	NN	71	36221	D	1	Racine
ARSENIC	0.011	MG/L	MEQUON ON THE SQUARE CONDOMINIUM OWNERS ASSOCIATION INC.	24609552	OC	110	36822	D	1	Ozaukee
ARSENIC	0.03	MG/L	MERTON PRIMARY SCHOOL	26851121	NN	396	36787	W	1	Waukesha
ARSENIC	0.037	MG/L	NIAGARA WATERWORKS	43804398	MC	2079	36775	W	2	Marinette
ARSENIC	0.025	MG/L	OAKFIELD WATERWORKS	42004754	MC	1003	36699	I		Fond du Lac
ARSENIC	0.022	MG/L	OAKWOOD APARTMENTS	24605515	OC	60	36809	W	1	Ozaukee
ARSENIC	0.015	MG/L	OSCEOLA WATERWORKS	64903410	MC	1581	36466	D	2	Polk
ARSENIC	0.01	MG/L	PIONEER ESTATES OF DELAVAN	26501167	OC	180	36783	W	1	Walworth
ARSENIC	11	MG/L	PIONEER GRAFTON MOBILE HM PK	24601137	OC	150	36584	W	3	Ozaukee
ARSENIC	0.014	MG/L	PIONEER GRAFTON MOBILE HM PK	24601137	OC	150	36605	W	4	Ozaukee
ARSENIC	23.7	UG/L	PIONEER NURSING HOME	60301362	OC	44	36613	D	1	Barron
ARSENIC	0.0549	MG/L	PRAIRIE DU SAC WATERWORKS	15701004	MC	2380	36629	W	3	Sauk
ARSENIC	0.012	MG/L	RANDOLPH WATER DEPT	11101255	MC	1729	36704	W	1	Columbia

ARSENIC	0.03	MG/L	REEK SCHOOL	26502476	NN	131	36787	W	1	Walworth
ARSENIC	0.014	MG/L	RIVER GLEN	24601368	OC	150	36691	W	1	Ozaukee
ARSENIC	0.01	MG/L	RIVER LAKE SUBDIVISION	24606857	OC	100	36822	D	1	Ozaukee
ARSENIC	0.041	MG/L	ROSENDALE ELEMENTARY SCHOOL	42005194	NN	250	36663	W	1	Fond du Lac
ARSENIC	0.02	MG/L	SEYMOUR WATERWORKS	44503371	MC	3252	36494	D	1	Outagamie
ARSENIC	0.014	MG/L	ST EDMUNDS EPISCOPAL CHURCH	26805053	NN	465	36670	W	1	Waukesha
ARSENIC	0.01	MG/L	STOCK MANUFACTURING CORP	43606574	NN	25	36664	W	1	Manitowoc
ARSENIC	0.015	MG/L	SUGAR BUSH ELEMENTARY SCHOOL	44506407	NN	110	36696	W	1	Outagamie
ARSENIC	0.014	MG/L	SURING WATERWORKS	44304986	MC	581	36649	W	2	Oconto
ARSENIC	0.012	MG/L	TOWNSEND BUSINESS CENTER	26822653	NN	100	36663	D	1	Waukesha
ARSENIC	0.029	MG/L	TURTLE LAKE WATERWORKS	60301428	MC	762	36754	W	1	Barron
ARSENIC	0.017	MG/L	VINTAGE ON THE PONDS	26513113	OC	28	36746	W	2	Walworth
ARSENIC	0.015	MG/L	WATERTOWN WATERWORKS	12800447	MC	19142	36845	W	5	Jefferson
ARSENIC	0.016	MG/L	WEASLER ENGINEERING	26701961	NN	225	36676	W	2	Washington
ARSENIC	0.01	MG/L	WESTBORO SAN DIST 1	86103468	MC	167	36411	D	2	Taylor
ARSENIC	0.016	MG/L	WHEEL ESTATES MOBILE HOME PK	26701158	OC	200	36685	W	1	Washington
ARSENIC	0.03	MG/L	WHITEWATER WATERWORKS	26500562	MC	12636	36654	W	5	Walworth
ARSENIC	0.013	MG/L	WILLIAMS BAY WATERWORKS	26500606	MC	2108	36650	W	2	Walworth
ARSENIC	0.014	MG/L	WILLOW PINES MOBILE ESTATES	47104596	OC	60	36822	D	2	Winnebago
ARSENIC	0.024	MG/L	WILLOW RUN RV CONDO ASSN	26508009	OC	30	36738	D	1	Walworth
ARSENIC	0.023	MG/L	WICOTA SANITARY DISTRICT	13300782	MC	98	36543	D	1	Lafayette
ARSENIC	0.025	MG/L	WRIGHTS MOBILE HOME PARK	15401353	OC	175	36754	W	3	Rock
ARSENIC	0.075	MG/L	WYLDEWOOD BAPTIST SCHOOL/CHURCH	47106378	NN	25	36676	W	1	Winnebago