



WISCONSIN STATE LEGISLATURE ... PUBLIC HEARING - COMMITTEE RECORDS

2009-10

(session year)

Senate

(Assembly, Senate or Joint)

Committee on Environment...

COMMITTEE NOTICES ...

- Committee Reports ... **CR**
- Executive Sessions ... **ES**
- Public Hearings ... **PH**

INFORMATION COLLECTED BY COMMITTEE FOR AND AGAINST PROPOSAL

- Appointments ... **Appt** (w/Record of Comm. Proceedings)
- Clearinghouse Rules ... **CRule** (w/Record of Comm. Proceedings)
- Hearing Records ... bills and resolutions (w/Record of Comm. Proceedings)
 - (**ab** = Assembly Bill) (**ar** = Assembly Resolution) (**ajr** = Assembly Joint Resolution)
 - (**sb** = Senate Bill) (**sr** = Senate Resolution) (**sjr** = Senate Joint Resolution)
- Miscellaneous ... **Misc**

CITY OF

119 Washington Avenue
P.O. Box 638
Washburn, WI 54891



715-373-6160
715-373-6161
Fax 715-373-6148

June 25, 2010

Senator Mark Miller
Chair-Senate Committee on Environment
State Capitol – Room 317 East
PO Box 7882
Madison, WI 53707-7882

Re: Safe Drinking Water Design Requirements

Dear Honorable Senator Miller:

Today I am writing you in reference to House Rule #09-073; the Safe Drinking Water Design Requirements for public water systems and the maintenance of those systems.

The City of Washburn has had a public system, without chlorination, for many years. We test our water at least twice a month per State requirements. We have the ability to chlorinate our entire system when it would be needed. This need has been rare, but when determined necessary, it was done with immediate results.


To my understanding, the study done by Mark Borchardt through the Marshfield Clinic Research Foundation was the only study and limited in scope with questionable results.

The City takes its responsibility of providing the citizens with the best water we can supply. Our quality, on file with the Public Service Commission, illustrates this. We are a very small community struggling with how to keep our utility rates at a level affordable to our citizens without sacrificing safety.

The additional cost of this Rule would impact all of us with the supposedly improved safety being questionable at best. Again, the safety record of our community, as well as the records of all the other communities, should speak for themselves.

I am unable to attend the June 30th Hearings in Madison, however, I do believe this is a decision that will affect many small cities and communities in a negative fashion.

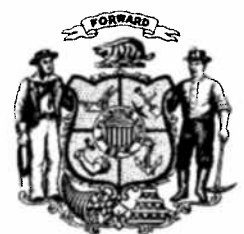
Thank you for your time and consideration. Please take our concern seriously.


Ralph C. Brzezinski, Mayor
City of Washburn

cc: Members of the Committee on Environment



WISCONSIN STATE LEGISLATURE



Louie's Finer Meats

Hwy 63 N.
P.O. Box 774
Cumberland, WI 54829



715.822.4728
715.822.3150 fax
www.louiesfinermeats.com

6/28/10

To Whom It May Concern:

This letter is written in opposition to the proposed regulation which would mandate continuous chlorination of municipal water systems in Wisconsin, on behalf of Louie's Finer Meats, Inc. of Cumberland, WI.

Along with many other Wisconsin communities, the Cumberland area is very fortunate to have a high quality water supply from groundwater. Many visitors to the community comment on the high quality of the existing municipal water supply. There is no history of routine problems with our community's water supply, and continuous chlorination is unnecessary. We share the concern in guaranteeing a safe water supply for Wisconsin residents, but this one-size-fits-all regulation is the wrong approach for a number of reasons. Cumberland Municipal Utility is already equipped to chlorinate water periodically in emergency situations or if it is deemed necessary.

The existing high-quality water resources have benefited the local economy, including Louie's Finer Meats. Our business has been recognized with over 300 state, national, and international awards for producing high quality meat products. Our company employs 40 people in the City of Cumberland. Water is an important component of the manufacture of meat products. For forty years, this company has been able to meet our water needs by simply using the municipal water supply. Water is used as an ingredient in most processed meat products to assist dispersal of other ingredients. Using lower-quality water or chlorinated water impacts the flavor of food products, and is often not suitable. Compounding the issue, some of our products require the use of active lactic acid starter cultures. These cultures cannot be mixed with chlorinated water, since chlorine will kill the live cultures. If our municipal water supply becomes continuously chlorinated, we will be forced to purchase distilled water or remove the chlorine from the tap water prior to using it for processing. This will add unnecessary costs and inconveniences to our operations. One method of removing chlorine from water is allowing it to sit in a cistern or container to "draft off" the chlorine into the air over a period of time. This step may actually increase the risk of contamination.

Several other businesses will also be impacted in Cumberland if continuous chlorination is mandated. There are other food processors located in the City of Cumberland, as well as a manufacturer of biodiesel. It is our understanding that production of biofuels requires non-chlorinated water. It seems unfair that a business located outside the city limits with its own well is unaffected by the proposed regulation, while businesses using a municipal water supply are impacted. In certain cases, this would make it advantageous for businesses to locate outside the city limits.

The proposed regulation will also produce a more general impact on the local economy. By mandating continuous chlorination, large costs will be imposed on Cumberland Municipal Utility. Additional costs such as these must be passed down to all residents and businesses of the City of Cumberland who use the municipal water supply. While adding unnecessary costs to families is never a good thing, it is especially a bad idea when we are in the midst of a large economic recession.

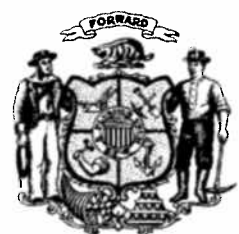
Sincerely,

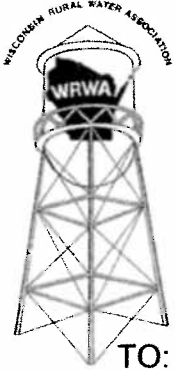
Louis E. Muench
President, Louie's Finer Meats, Inc.

"Home of Award Winning Sausage"



WISCONSIN STATE LEGISLATURE





WISCONSIN RURAL WATER ASSOCIATION

350 Water Way • Plover, Wisconsin 54467
715-344-7778 • Fax: 715-344-5555
E-mail: wrwa@wrwa.org

Society
Of
Water
Professionals



TO: Senate Committee on Environment
FROM: Ken M. Blomberg – WRWA Executive Director
DATE: June 29, 2010
RE: Comments on Clearinghouse Rule 09-073

On behalf of the Wisconsin Rural Water Association and our 558 member systems, I would like to provide comments on the issue of proposed requirements for continuous disinfection of municipal public water supplies in Wisconsin.

I would first like to say that our association recognizes the responsibility given to the Department of Natural Resources Bureau of Drinking Water & Groundwater in protecting the health and safety of those served by public water systems in Wisconsin. We also recognize the commitment to public health and safety by water systems in our state and the thousands of dedicated & certified people who operate them.

At the same time, we've long been an outspoken opponent of costly, unfunded, "one-size-fits-all" mandates, especially in those cases where they may not be warranted. As such, we oppose the requirement of continuous disinfection for those water systems that have consistently proven their ability to provide water to their customers that is safe and free from microbiological contaminants.

Since continuous disinfection of public water supplies is not mandated under the federal Safe Drinking Water Act (SDWA) which governs all public water systems in the United States, we believe that Wisconsin communities should have the right by majority vote to decide what approved treatments, if any, they provide for their drinking water to meet federal requirements.

In those situations where communities decide against providing continuous disinfection, we ask that the state of Wisconsin allow them to choose practical alternative measures which can still offer a reasonable assurance that the water they're providing to their customers is of the highest quality and safety possible.

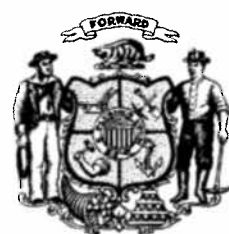
WRWA Mission:

"To assist water/wastewater systems improve and preserve the quality and quantity of water resources in the State of Wisconsin"

**Quality
& On Tap!**
Our Commitment  Our Profession



WISCONSIN STATE LEGISLATURE



Bier, Beth

From: Sen.Miller
Sent: Tuesday, June 29, 2010 3:26 PM
To: Miller, Mark; Bier, Beth
Subject: FW: CR 09-073

Jamie S. Kuhn

*Office of State Senator Mark Miller
State Capitol
PO Box 7882
Madison, WI 53707-7882
608-266-9170*

From: Sen.Schultz
Sent: Tuesday, June 29, 2010 2:56 PM
To: Sen.Miller
Cc: Sen.Jauch; Sen.Wirch; Sen.Kedzie; Sen.Olsen
Subject: CR 09-073

Dear Chairman Miller & Members of the Senate Committee on Environment –

I understand the Senate Committee on Environment will convene tomorrow to discuss Clearinghouse Rule 09-073. I am writing to pass along a number of concerns I received from constituents and ask you to please consider these concerns when discussing the rule's overall impact.

A major objection to the rule relates to the provision that requires all municipal water systems to **continuously** disinfect water before it enters the distribution system. On behalf of the communities that contacted me, I ask that you please consider these specific aspects of such a requirement.

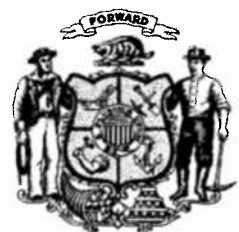
- These communities have systems in place to monitor water and quickly identify viruses or other contaminants.
- If infected water is identified, the communities have mechanisms in place to treat water before public safety is at risk.
- Continuously treating uncontaminated water unnecessarily exposes the public to chemicals.
- Continuously adding chemicals to water makes water taste bad.
- Treating tested and clean water results in unnecessary expense, said to range from \$200 to \$500 per month.

I urge the committee to please consider these comments as you proceed in working on the proposed rule. Your effort to balance new federal rules and public safety while providing flexibility for communities is appreciated.

Dale W. Schultz
Senate District 17



WISCONSIN STATE LEGISLATURE



Bier, Beth

From: Sen.Miller
Sent: Tuesday, June 29, 2010 3:30 PM
To: Miller, Mark; Bier, Beth
Subject: FW: Mandatory Disinfection

Jamie S. Kuhn

*Office of State Senator Mark Miller
State Capitol
PO Box 7882
Madison, WI 53707-7882
608-266-9170*

From: Dan Peterson [mailto:dan@villageofwoodville.org]
Sent: Tuesday, June 29, 2010 7:12 AM
To: Sen.Miller
Subject: Mandatory Disinfection

Dear Senator Miller,

I am writing to you today as Chair of the Committee on Environment in reference to House Rule 09-073, which relates to the proposed safe drinking water design requirements for community water systems and requirements of the operation and maintenance of public water supply systems.

I am appealing to you today to support my concerns. If House Rule 09-073 takes effect Woodville, along with several other of our neighboring communities, will be forced to disinfect our drinking water and pay for all, or at least a portion of, the necessary equipment, labor and testing of this mandate.

As Woodville continues to consistently meet and/or exceed state drinking water standards, why should we be forced into mandatory disinfection? I feel the local elected leaders of our community should have the power to decide what is best for their community, as opposed to a "one size fits all" solution as proposed by the Department of Natural Resources.

Thank you for your consideration on this matter.

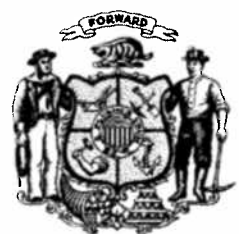
Sincerely,

Daniel R. Peterson
Director of Public Works
Village of Woodville
715-698-2494
dan@villageofwoodville.org

6/30/2010



WISCONSIN STATE LEGISLATURE



Bier, Beth

From: Sen.Miller
Sent: Tuesday, June 29, 2010 3:46 PM
To: Bier, Beth
Subject: FW: 6.30.10, Senate Environment Committee Public Hearing

Jamie S. Kuhn

*Office of State Senator Mark Miller
State Capitol
PO Box 7882
Madison, WI 53707-7882
608-266-9170*

From: Chetek Mayor [mailto:chetekmayor@chibardun.net]
Sent: Wednesday, June 23, 2010 2:32 PM
To: Sen.Miller
Subject: 6.30.10, Senate Environment Committee Public Hearing

Please admit the following testimony regarding Clearinghouse Rule 09-073 relating to safe drinking water and the requirements for operation and maintenance of municipal water systems.

The City of Chetek is a small community with a population of about 2,300 people of which about 1,000 are municipal utility customers. Unfunded DNR mandates are bringing financial hardship to the City and our customers.

The Disinfection rule will cause the City Water Utility to raise rates to cover the cost of modifying both of our well houses, added chemical cost, additional testing increased labor cost and the purchase of disinfection equipment. Also this could affect our Waste Water Utility rates with the removal of chlorine from the effluent waters and possible a PH adjustment to the effluent waters.

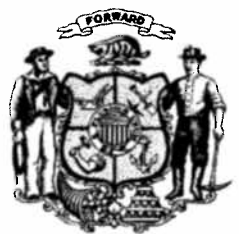
We see this situation as being very serious for small communities with a small customer base to spread the cost out, especially at a time when budgets are tight and we may be receiving an unfunded DNR phosphorus limit on the waste water effluent in the near future.

The utility costs are driving people out of our City to the township areas where they don't have to pay for utilities and have no limits put on to them. This is going to be an ongoing problem for small communities in the future and needs to be addressed before it is too late and all of our small communities can no longer survive and or compete with private systems.

Dianne K. Knowlton, Mayor
City of Chetek
715-924-4838/642-0998
chetekmayor@chibardun.net



WISCONSIN STATE LEGISLATURE



Village of Clear Lake

OFFICE OF CLERK-TREASURER
350 4th Avenue, PO Box 48
Clear Lake, Wisconsin 54005

June 30, 2010

Mandatory Disinfection – Rule 09-073

The Village of Clear Lake is located in Polk County in Northwest Wisconsin. Our population is about 1,140. We are opposed to Rule 09-073 regarding mandatory disinfection of municipal water systems. We currently do not disinfect our water system because we have clean fresh water that our residents enjoy.

Disinfection of our water systems on a continuous basis would create a financial hardship for us. We currently have two wells that supply water to our municipality. We currently have equipment to disinfect our water supplies on a temporary basis. However, to change to a continued basis, would require modifications to both well houses and disinfection equipment, along with construction of new storage areas for storage for hazardous materials. Estimated cost would be \$200,000 – \$250,000. In addition, the possibility exists of having to remove any chlorine in wastewater during the waste treatment process and prior to discharge of the water back into the surface water sources. This would be another cost to our residents. This would create a financial hardship on our residents especially at a time when budgets are already stretched to the limit.

The largest employer in Clear Lake is AFP – Advanced Food Products. They employ about 125 people from the community. They are a large food manufacturer. When they are in full production mode, they will use over a million gallons of water per day. The addition of disinfection agents to the water will have an adverse effect on them. They will have to remove the disinfection agents or run expensive tests to determine its effect on their food products. Also, almost half the water AFP uses is non-contact cooling water which is currently discharged to our lake. They will have to install removal equipment to prevent discharge of the chloride to the lake. This will be a large expense for them. It could possibly make them consider moving their plant to another state.

I again appeal for you to make changes to this proposed Rule, to remove mandatory disinfection. Current rules would, and do, regulate our water systems appropriately, should the need arise to disinfect a municipal water system. Thank you for providing a public hearing for us to express our point of view.

Thank you, once again, for your consideration of this matter.

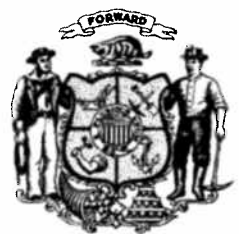
Sincerely,



Albert Bannink
Village Clerk – Treasurer
Village of Clear Lake



WISCONSIN STATE LEGISLATURE





CUMBERLAND MUNICIPAL UTILITY

Charles Christensen,
General Manager

**TESTIMONY BY
MR. DEAN BERGSTROM**

to the

**Senate Environment Committee
(Reference Clearing House Rule 09-073)**

**To become part of the Public Hearing Record on this matter
Dated June 30, 2010, 10 a.m., Rm. 411 S., State Capital, Madison**

My name is Dean Bergstrom. I am the licensed Waterworks Operator for the City of Cumberland Municipal Utility.

I would like to thank the Committee for granting this hearing, and apologize for not attending any of the DNR hearings on this matter.

I am the only Waterworks Operator for the City of Cumberland, and did not see the notice published and was unaware of the proposed Rule, until after the hearings were concluded.

The part of the Rule that we are Opposed to is the "Mandatory Disinfection of all Municipal Drinking Water Systems" in the State of Wisconsin.

We sample our water Four times per month at a Minimum, for bacteria, and also sample for other compounds yearly, following DNR guidelines.

Should we have a bad bacteria sample, we can Disinfect by chlorination of our system in a quick manner, with stand-by equipment. There have been very few times that we have found this to be necessary.

When we have chlorinated, we have determined the cause to be a broken water main or other repairs being made to our system. We have never found it necessary to issue a "Boil Water Notice" to our customers.

Our community takes great pride in our drinking water, as some of the Best in the State. Recently we were awarded "3rd Best Tasting Water" in the state by the Wisconsin Rural Water Association!

Our customers do not want any chemicals added to their drinking water supply. There are currently No chemicals added, and our citizens are emphatic that we Do Not add any chemicals.

I feel that I have a huge responsibility to the public to provide the highest quality drinking water possible to our customers. I do not feel we would be improving this by the addition of disinfection, most probably by chlorination.

Chlorine is a dangerous chemical. The addition of it must be regulated closely, or it may have health risks.

We have four deep wells, located in remote parts of our City. Currently, we remove parts of our emergency chlorination system to prevent illegal use of the equipment.

With continuous chlorination, this would not be possible, and it would be a simple process to purposefully contaminate the system for anyone with little knowledge and ability.

Safeguards could be installed, but, even then, the possibility still exists.

The added costs for continuous chlorination are High. Not only the start-up equipment, but there are also ongoing costs for chlorine.

With Chlorine being a Caustic Product, high maintenance costs are also incurred.

You will later hear testimony from Sarah Nun, an engineer from Ayres and Associates, about our possible added costs that would only result in much higher rates to our customers, which could be a great hardship during these tough economic times.

I have many ongoing responsibilities with my job. The extra workload may even require the hiring additional staff, which would also add to those costs.

I have a real question about the need for continuous disinfection of our system...

I personally know Dr. Borchardt, as Cumberland was one of the cities that participated in his study. The Cumberland Municipal Utility Commission was very reluctant to agree to participate in the study, and turned him down several times, until he appeared before them and made a personal request.

He indicated that it was "Only a Study..." There was concern on the part of the Commissioners that this could result in a chemical treatment of our water supply.

After the Commission consented to be part of the Study, they advertised in our local newspaper for volunteer families to participate. My family was one of those that accepted and was chosen for the study.

My wife, being a Registered Nurse, and I have twin girls. At the time of the study, my girls were Nine years old. We had to keep track of any flu-like symptoms on a weekly basis, and mail in the results to Dr. Borchardt.

We were never required to be checked by any physicians when we did have flu-like symptoms, and no testing was done.

At the end of the study, we moved to a new home outside of the City of Cumberland's water supply, which has a private well.

We saw no difference in the amount of illnesses, or in the type of flu-like symptoms after we began utilizing the private well.

I do not know how anyone could say that our flu-like symptoms were caused by our drinking water. I can say with a certainty, that in the past several years while we resided in the City of Cumberland, my family's health has been very good, and has remained that way.

I have never received a full report on Dr. Borchardt's study. I did work closely with his staff in collecting samples and monitoring his UV equipment. It is my understanding that his study attempted to show that the UV killed any viruses that were in the water at the well head. However, when tested at the homes, they were back in the water.

My question is, What did It prove, if we were *always drinking water with viruses in it*, according to Dr. Borchardt's study??

It is my understanding that the DNR contends that these viruses pose a health risk, and thus the need to disinfect.

Cumberland's water system is over 100 years old... We have *never had* an associated death or illness connected with our drinking water. I believe if there was a *problem*, it should have, and would have, come to our attention long before this.

We have had complaints from several of our customers due to Adverse Reactions to chlorine when it has occasionally been added to our system. We retain an official "Listing of Customers to Notify" when we emergency chlorinate, so that they may avoid using the chlorinated water, until we are done chlorinating.

Mandatory disinfection would cause these customers to purchase non-chlorinated water at an added expense for them, when most are elderly, and on fixed incomes.

It is interesting that this Rule would require Municipal water systems to disinfect their water, when no mention is made of the Private Water Systems, that for instance serve many mobile home parks, along with other larger private systems that serve whole communities.

We must assume they are Exempt. There is also no mention of private home wells either, and again I assume we must expect that they are Exempt.

I would ask that you would Exempt small cities from this Rule – Those cities that are under 10,000 in population.

This would exempt almost all cities that currently do not *continually disinfect* their water systems. This exemption would not prevent communities from chlorinating on a continuous basis, should they find it preferable to do so in the future.

Almost all of these communities obtain their water from *deep wells* – 300 to 750 feet deep. They are complying with very stringent well regulations, and they all have well head protection programs in place.

They protect their systems from cross connections, and they know their customers, because they are their “next door neighbors.”

I would hope that you would prevent un-needed additional costs, to an already over-burdened public, and grant an Exemption from Mandatory Disinfection.

This issue is of prime importance to these communities, as evidenced by the attendance here today. Most of these representatives have traveled long distances and stayed over night to attend this hearing. I am sure that if this hearing was held in Northern Wisconsin, there would be many more in attendance.

I again, wish to Thank You, for your time and consideration of this important matter.



Dean Bergstrom, License #32258
Cumberland Certified Waterworks Operator



**Testimony in Support of CHR-09-073
Senate Environment Committee
June 30, 2010**

**by
Lee Boushon, Chief
Public Water Supply Section
Wisconsin Department of Natural Resources**

Thank you for the opportunity to speak today. I am appearing on behalf of the Department of Natural Resources in support of the proposed rule changes contained in CHR-09-073.

This rule establishes standards for public drinking water systems including how and where a well can be constructed, what type of equipment is required, how to design and operate a water system, where and when water systems must be tested, how often water systems must report to the Department, what levels of contaminants are allowed in drinking water, and how consumers must be notified of water system problems.

The rule is being changed because USEPA changed the federal regulations for all states to require additional water testing and water treatment. They also changed how water systems that treat to kill bacteria and viruses must test for any unwanted chemicals (called disinfection byproducts) that are created by the treatment process. Lastly, the rule is being changed to allow the use of new technologies developed for treating and distributing drinking water.

The federal rules are specific in some cases and in others, such as the section related to protecting groundwater systems from viruses and bacteria, they establish a menu of minimum activities that must occur, including: water system inspections, water testing, and installation of treatment based on positive test results. The federal rules related to protecting groundwater systems from viruses and bacteria are not specific on how water systems must protect the safety of their drinking water or what treatment processes may be approved by the state. It is left up to each state to develop the rules that best fit their needs. So this is the rule that will bring Wisconsin into compliance with the federal drinking water regulations.

The rule covers more than 11,000 public water systems including schools, factories, restaurants, cities, towns, and villages. Most of the systems will not be affected as the majority of the standards are already in place and are not being changed. The rule changes primarily affect the 614 municipal water systems that serve cities, towns and villages. These municipal systems will be required to collect additional water tests at a cost of about \$580/year for each system.

The impact will be greater for the approximately 70 municipalities that rely on wells and do not currently provide treatment to kill harmful bacteria or viruses. These municipalities will be required to install treatment to improve the safety of the drinking water. The treatment will kill any harmful bacteria or viruses present in the water before it reaches a homeowner's faucet. The costs for installing treatment will be different for each municipality with a low of \$10,000 and a high over \$1,000,000. The higher costs will be for municipalities where the treatment to kill the bacteria and viruses results in taste, odor, color, or cloudy water issues that will require an additional treatment process to correct.

Department staff worked closely with water utility representatives (Wisconsin Rural Water Association and Wisconsin Water Association) and used research conducted in Wisconsin to develop the rule. Based on the Wisconsin research, the Department has concerns with the federal rules and believes that the federal rules do not identify the appropriate type of testing for viruses, yet also require an excessive level of treatment if viruses are found. If the appropriate type of testing were used, and the level of treatment

required by federal rule were imposed, the cost of monitoring the communities affected would be approximately \$1.3 million and the minimum total cost for treatment would be approximately \$42,000,000. The rule proposed by the Department relies on existing monitoring and reduces the minimum treatment costs to less than the \$1.3 million cost for the appropriate testing. The maximum costs for treatment under the rule proposal will be higher because of dealing with taste, odor, and color issues, but will still be far less than \$42,000,000.

The Department believes that the proposed rule is more effective in improving the safety of the drinking water and is less costly than conducting the appropriate type of testing and installing the level of treatment required by federal rule. Throughout the rule making process the Department shared its approach with the USEPA Groundwater Rule coordinator and they have indicated that the Wisconsin approach would satisfy the federal requirements.

The Department believes that the treatment at groundwater systems is necessary to prevent illness in Wisconsin related to consuming drinking water from municipal water systems. A Marshfield Clinic Research Foundation Study of 14 water systems in Wisconsin identified increased levels of illness that could have been prevented if treatment to kill bacteria and viruses had been in place.

Some of the municipal water systems that will be required to treat for viruses and bacteria have expressed concerns with the cost of installing and maintaining the equipment and with the potential unwanted byproducts of using chemicals to treat the water. We share these concerns. The proposed rule allows water systems to select a disinfection method that would avoid using chemicals and provides an additional 3 years of time, beyond the rule adoption date, for communities to plan for the increased costs. In addition, where communities can demonstrate the need and ensure that public health is protected, the Department has the ability to extend the compliance deadline through its enforcement process.

Throughout the rule drafting process there were ongoing stakeholder meetings that incorporated comments from water systems and included compromises aimed at improving the ability of water systems to implement the rule while maintaining public health protection. Included in these compromises was extending the time for municipal water systems to install treatment to kill bacteria and viruses from 1 year to 3 years. Typically, drinking water rules have become effective immediately.

There is financial assistance available to systems impacted by the rule changes. The Department has a federally funded loan program for municipal water systems. This year you passed SB 664 authorizing the Department to use some of these funds as grants. Under a proposal prepared by Department staff, water systems would be eligible for 10%, 30%, and 50% of project costs as grants - depending upon the population of the community and income of the residents. Since the authorization for use of the funds is not permanent, the Department recommends that it be authorized to use grants on an annual basis provided there are sufficient federal funds to sustain the loan program.

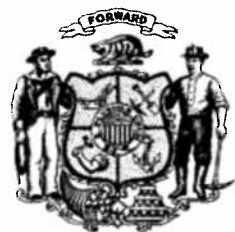
In conclusion, the Department believes that proposed rule changes are necessary and appropriate as the additional testing required by the rule proposal will provide better information on the safety of our drinking water; the additional treatment required by the rule proposal will improve the safety of our drinking water from bacteria and viruses, and; the use of new technologies allowed by the rule proposal will allow water systems to improve the safety of the drinking water while reducing costs by wasting less water and using less energy.

Contact:

Lee Boushon – Chief, Public Water Supply Section of the Bureau of Drinking Water and Groundwater – 608-266-0857



WISCONSIN STATE LEGISLATURE





ANN HRAYCHUCK
STATE REPRESENTATIVE

June 30, 2010

**Testimony of Rep. Ann Hraychuck
Before the Senate Committee on the Environment
Regarding Clearinghouse Rule 09-073**

Good morning Chairman Miller and committee members. I appreciate the opportunity to share the concerns of my constituents with you about Clearinghouse Rule 09-073.

Over the past few months, I have been contacted by several rural municipalities in my district that have grave concerns about this rule. After talking with these municipalities, I was very relieved to learn that your committee would be holding a public hearing on this rule and that they would have the chance to share their concerns with all of you.

Various complaints about this rule have been brought to my attention but the biggest one, by far, is the issue of cost. I am sure that today you will hear a great deal about the potential costs of this rule and I ask you to take these concerns very seriously. The budgets of these rural communities are already pushed to the limit and they may not be able to afford the implementation of this rule by themselves.

If we are going to require these municipalities to chlorinate their water, we must provide them with some financial assistance to do so. Furthermore, it is essential that we allow flexibility on the timing of implementing this rule.

Thank you for your time and consideration.





122 W. Washington Avenue
Suite 300
Madison, Wisconsin 53703-2715

608/267-2380
800/991-5502
Fax: 608/267-0645

E-mail: league@lwm-info.org
www.lwm-info.org

To: Senate Committee on Environment
From: Curt Witynski, Assistant Director, League of Wisconsin Municipalities
Date: June 30, 2010
Re: **Clearinghouse Rule 09-073; Proposed NR 810.09(2), Requiring Mandatory Disinfection of Municipal Water Systems Served by Groundwater**

Thank you for holding a public hearing on Clearinghouse Rule 09-073. The League of Wisconsin Municipalities opposes one of the changes included in this package of public drinking water rule changes. The rule changes include a new requirement, NR 810.09(2), that all municipal water systems served by groundwater provide continuous disinfection of the water. The mandatory disinfection rule will require 71 municipal water systems that do not currently disinfect to do so. The mandate would apply even if tests consistently show no bacterial or viral contamination of the water supply. The mandate would apply even if, historically, the community's water was colorless, great tasting, and free of bacterial or viral contamination.

The League opposes this unfunded mandate and urges the Committee to object to the rule unless the department agrees to delete the continuous disinfection requirement from the proposed public drinking water rule revisions.

The department's proposed continuous disinfection mandate is based on recent research in Wisconsin concluding that:

- ◆ Illness attributable to viruses is occurring at municipal water systems supplied by groundwater.
- ◆ Disinfection reduces the illness rates attributable to viruses at municipal water systems supplied by groundwater.

The Department makes this rule change despite the fact that federal rules do not require continuous disinfection of groundwater systems. Moreover, none of our neighboring states, except Illinois, require mandatory disinfection of municipal water systems served by groundwater.

According to department estimates, complying with the mandatory disinfection rule could prove to be expensive for the 71 municipal systems not currently continually disinfecting their groundwater. According to DNR staff, costs associated with installation of new chemical feed equipment will be approximately \$10,000 per well. This cost estimate does not include secondary costs that are associated with the treatment for other chemical quality issues that may be negatively impacted by the addition of a disinfectant.

These secondary costs are variable and site specific based on the water quality and the method of disinfectant selected. The costs could significantly exceed the \$10,000 cost of chemical feed equipment if additional treatment or disinfectant methods other than chemical injection are necessary because of the chemical quality of the water. In addition, annual costs for the 71 systems will also increase by at least \$2,000.

The burden of paying these additional costs will fall on municipal water customers, who very likely are already paying higher property taxes, stormwater utility fees, and higher sewer charges. The mandated additional costs could not come at a worse time for these mainly small communities which, like the rest of America, are experiencing the worst economic downturn since the Great Depression.

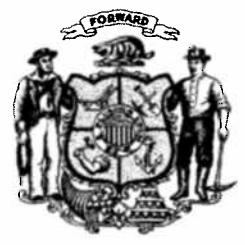
Municipal governing bodies and utility commissions are in the best position to weigh the health benefits gained against the cost, impact on taste, and potential risks of chlorinating the water supply. Absent specific evidence that a municipal water system is vulnerable to bacterial or viral contamination, the decision to disinfect should remain a local decision.

We urge the Legislature to object to the department going forward with this unnecessary enhancement of federal law and to delete NR 810.09(2) from the proposed rule.

Thank you for considering our comments.



WISCONSIN STATE LEGISLATURE



**Glenn
Grothman**
STATE SENATOR
20TH SENATE DISTRICT
July 7, 2010

Office:
Post Office Box 7882 • Madison, Wisconsin 53707-7882
(608) 266-7513 • Toll-Free: (800) 662-1227
Sen.Grothman@legis.wisconsin.gov
www.legis.wisconsin.gov/senate/sen20/sen20.html

Home:
111 South 6th Avenue
West Bend, Wisconsin 53095
(262) 338-8061

Mark Miller, Chairman
Senate Committee on Environment
State Capitol-317 East
Madison, WI 53702

RE: NR 810.09(2) mandatory disinfection of public water systems

Dear Chairman Miller:

A constituent has brought to my attention the mandates contained in Clearinghouse Rule 09-073, dealing with public water supply systems. Given that CR 09-073 is under your committee's purview, I respectfully request that you object to an onerous portion of this rule.

Specifically, my constituent has informed me of the rule's requirements regarding mandatory disinfection. As you may be aware, the federal government does not require such a stringent requirement. In addition, you will not find this disinfection mandate in Minnesota, Michigan or Ohio. Also, Wisconsin has thousands of private wells which are not subject to this excessive requirement.

As you may know, there are 71 municipal water systems that are not supplying disinfected water, including the Village of Kewaskum in my district. Allowing this unfunded mandate to go forward without changes will have a fiscal impact on those 71 municipalities, especially in these hard economic times.

Also, as my constituent so rationally pointed out, why would we mandate disinfecting water systems where there are no current viral or bacterial problems? This part of the rule seems to be redundant and excessive and, quite frankly, defies common sense.

Thank you so much for your attention to this rule and its onerous mandate. Please do not hesitate to contact me if you would like to discuss this issue.

Sincerely,



Glenn Grothman
State Senator
20th Senate District

CC: Members of Senate Committee on Environment





JIM HOLPERIN
STATE SENATOR

Senator Jim Holperin Testimony on Clearinghouse Rule 09-073
Wednesday, June 30, 2010

Thank you, Chairman Miller, and Committee members, for this opportunity to appear before you to suggest that this rule be returned to the Department with instructions that it be modified to take into consideration some of the objections to the rule that you will hear about today from operators of small municipal water systems.

I have been contacted by a half dozen communities in northcentral Wisconsin and the points they make about the rule are compelling.

First, these small municipal systems typically have exceptionally pure water as evidenced by regular testing over long periods of time. They draw water from deep wells that deliver reliably uncontaminated water year after year.

Second, adding a disinfectant (typically chlorine) to already pure water won't help and may hurt as the chlorine reacts with various minerals already in the water. This will not be a problem everywhere and may not be a problem anywhere, but the phenomenon was common enough for the federal Environmental Protection Agency to comment upon it in their "Fact Sheet on Water Chlorination". It is notable that the EPA is not requiring mandatory water chlorination.

Third, costs associated with mandatory chlorination have been underestimated in the opinion of many small system operators. Many small one or two well communities serve only a few thousand people. Their pump houses do not have "corrosive rooms" required to store a 30 day supply of disinfectant and the equipment for dispensing it into the water. Constructing these pump house additions could cost \$40,000 to \$50,000. Testing chlorinated water needs to be done daily, rather than, say, biweekly as is presently the case in many communities...and these water systems usually only employ one person.

For these reasons and others you will hear about today I urge you to return this rule to the Department with instructions to modify the rule to make it more reasonable and less costly for small municipal water utilities.

The Department could choose to do this in several ways:

- *simply exempt small community water systems where a long history of testing has shown the water to be pure.
- *study other ways to assure safe water, such as more frequent testing, or treating deep wells differently than shallow wells which may be more susceptible to contamination.
- *work with small communities to develop a rule that is not so uniform, and therefore onerous, on small water systems.
- *at the very least, consider a longer implementation period for small community water systems that have a proven by repeated test results over time that they

have reliably pure water. A few more years of implementation time will allow these communities to plan for the costs involved in complying with the rule.

Thank you, Senators, for considering my comments.



MEMORANDUM

To: Legislative Review Committee

From: Sarah Nunn

Date: June 30, 2010

Project No.: 23-1368.00

Re: Proposed NR 811 changes on behalf of Cumberland Municipal Utilities

The Wisconsin Department of Natural Resources has proposed changes to NR 811 that will require that "all municipal water systems shall provide continuous disinfection of the water prior to entry to the distribution system." Communities will have 36 months after the new code goes into effect to comply. The City of Cumberland does not continually chlorinate at this time, but has standby chemical feed equipment available in case of an emergency. My purpose today is to explain the engineering and financial implications of the proposed rule on Cumberland's municipal water system. At this point, we expect the implementation of the rule would result in a 20% increase in Cumberland's water system budget.

Cumberland's system is composed of four wells and one water tower. In 2009, the wells pumped approximately 179,500,000 gallons of water. The average daily pumping was approximately 255,800 gallons November through May and approximately 984,400 gallons June through October. While some seasonal fluctuations occur, most of the four-fold increase in water use during summer can be attributed to increased water use by Seneca Foods Corporation's green bean canning factory in the City.

Three of the City's four municipal wells have manganese levels that exceed the secondary containment level established by NR 809. According to NR 809, these levels of manganese are not hazardous but may be objectionable to the public. If the water is chlorinated, the manganese would become oxidized, which can cause brownish-black staining. The oxidized particles may also settle out in the distribution system piping, which can restrict flow through the pipes and plug water services. If the City of Cumberland were to continually chlorinate its water, it is my opinion that a phosphate would need to be added to sequester the manganese, leaving it suspended in the water.

An assessment of each existing well station was completed, the results of which you have in front of you. It is my opinion that three well stations are not large enough to incorporate chemical feed equipment for both sodium hypochlorite and polyphosphate. Piping alterations could be completed in one of these three to provide additional floor space. The other two buildings would most likely require building additions to comply with the proposed code. Existing piping in the well stations would need to be altered to provide proper injection of the chemicals and location of sample taps. Some alterations might be achieved by reorienting the pipes in the building; others may require exterior piping alterations.

At each well station, separate chemical feed systems will be needed for sodium hypochlorite and polyphosphate. The proposed NR 811 rule directs that each chemical feed system should be composed of a pump, scale, day tank, storage tank, chemical containment, and injector. In my opinion, other improvements will be required, including installation of a safety shower/eyewash station, controls upgrades, and plumbing alterations.

Based on these equipment and building modifications, it is estimated that the capital cost to implement continual chlorination at each of Cumberland's four well stations will be between \$40,000 and \$59,000. Additional equipment such as chemical transfer pumps, a chlorine analyzer, and SCADA reprogramming may be required to aid in operation of the water system. Laboratory testing will most likely be required by the DNR once the rule is put into effect. Accounting for these costs, plus engineering fees, increases the capital cost of continual chlorination for the City of Cumberland to approximately \$211,300.

Operational costs such as labor, chemical usage, and electrical consumption also need to be considered, along with day-to-day maintenance and replacement costs. Because the operator currently visits each well station daily, day-to-day operations should not require considerable amounts of additional time. However, approximately once every two weeks, chemicals will need to be transferred from the storage tanks into the day tanks on the scale. Using an estimated time of 30 minutes at each well station, this increased labor time is approximately 52 hours per year, or \$1,820.

Chemical costs were estimated using a dosage rate of 1 ppm sodium hypochlorite to maintain a systemwide residual and 7 ppm LPC-5 polyphosphate as recommended by Hawkins Chemical. Based on approximate costs from Hawkins Chemical and 2009 average pumping rates, it is estimated that chemical costs for the City of Cumberland would be approximately \$22,000 per year.

Electrical costs to operate a chemical feed system are relatively minimal in comparison to the cost of operating the well pump and are believed to be less than \$100 per year per well station.

Finally, the annual replacement cost of each piece of equipment was estimated by dividing the estimated capital cost by the life expectancy. This resulted in an annual replacement budget of approximately \$870 per well station.

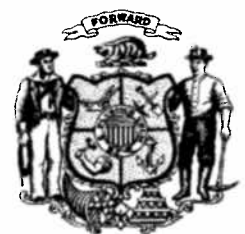
Based on these calculations, total operation and maintenance expenditures are estimated to be an additional \$27,475 per year.

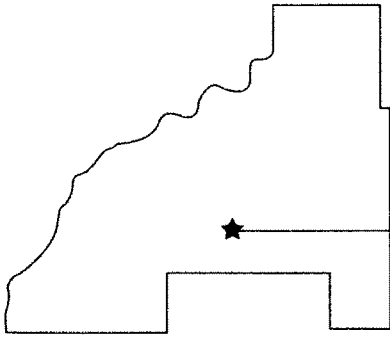
According to the Public Service Commission Annual Report for the City of Cumberland, the operating expenditures for the water utility in 2009 were \$199,064, excluding taxes and depreciation. If the City receives a Safe Drinking Water Program Loan at the current interest rate of 2.2% for the total estimated capital cost of \$211,300, yearly payments would be approximately \$13,070. Including an annual O&M budget increase of approximately \$27,475, future expenditures can be expected to rise by at least \$40,545 per year -- about 20% -- due to the installation of chemical feed equipment.

The current revenue generated by the water utility does not appear to be adequate to offset these additional costs. If a rate increase of greater than 3% is needed, as it appears to be, the City would be required to file a rate case with the PSC, creating even more costs for the City.



WISCONSIN STATE LEGISLATURE





Village of Siren

Box 23 • Siren, Wisconsin 54872

Telephone (715) 349-2273

Senator Mark Miller
P.O. Box 7882, Rm. 317 E.
Madison, WI 53707-7882

Dear Senator Miller:

I am writing you today in reference to House Rule 09-073, which relates to the safe drinking water design requirements for community water systems and requirements of the operation and maintenance of public water supply systems.

I am appealing to you today to support the Village of Siren's concerns, along with many other small municipal water utilities in the state of Wisconsin that will be forced to disinfect their water supplies after this rule takes effect.

As you know, the addition of the mandatory disinfection to this rule was propagated by a study done by Mark Borchardt, through the Marshfield Clinic Research Foundation. Mr. Borchardt discovered that there are viruses in the water supplies of all of the communities tested. Those communities were chosen because they did not chlorinate their water, and could be used for comparisons between non-disinfection, and ultra-violet light disinfection of water supplies. The study was small, not based on chlorination of the water supplies, and discovered that the ultra-violet treatment of the water removed the viruses as they passed through the ultra-violet light. At the test residences, however, *the viruses continued to be present, thus indicating that the viruses not only were coming from the deep well water supply, but also from the piping carrying the water to the residences.* This would suggest that these viruses are present in all ground water drinking sources, including private wells, of which in the northwestern part of Wisconsin, provides a large portion of the population's drinking water.

Siren's municipal drinking water system began in 1967, and has provided safe drinking water to the community up to the present day, with no additional chemicals being added to the daily water supply. The system is sampled routinely, with two samples being taken each month, to determine any type of contamination. Annual testing is also performed (as indicated by the DNR) for several organic and inorganic compounds, along with other chemicals. We also have lead and copper testing per WDNR requirements. We have had excellent test results on all of the above, with only an occasional sample that indicates coliform bacteria present, which is an indicator of possible contamination. However, the indicators have always shown that the coliform resulted from maintenance on the system, not from any foreign bacteria entering the system. During those times, we have chlorinated our whole system to protect our citizens from any possible contaminated drinking water. This procedure is true for all of the municipalities that do not chlorinate

on a regular basis – they all have equipment installed that can be utilized, should there be a bad sample, until the problem has been resolved.

Being a small community, I am sure that if any of the viruses that possibly were discovered by Mr. Borchardt could affect the health of the citizens of our area, we would have been notified through the various health facilities many years ago. In fact, the presence of these viruses may be strengthening the immune systems of our citizens, and actually protecting them from more serious illnesses.

As you have probably noticed, the major concentration of the communities that do not chlorinate their water supplies on a regular basis are in northwestern Wisconsin. We have contacted 54 cities that do not chlorinate their water in the state of Wisconsin, and of those 54 cities, 36 are located in our area of northwestern Wisconsin. The majority of the citizens of those communities are *happy that they do not have the taste of chlorine in their water supply, and are proud of their safe fresh drinking water supply system.*

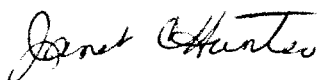
I am appealing to you Mark, as the Chair of the Senate Committee on Environment, and as a person who is concerned about the citizens of Wisconsin, *to remove or modify* this Mandatory Disinfection Rule from Rule 09-073 which has allowed for non-municipal water systems to be exempt from the mandatory disinfection. I feel that more research must be done to determine exactly what the affects are of these viruses, if they are present, and if it does actually impose a health risk, where all drinking water supplies would be required to be disinfected – Not only the municipal systems.

Disinfection of the municipal water systems in these communities on an on-going basis, would create a financial hardship on the communities. Currently, these communities do have in place equipment to disinfect their water supplies on a temporary basis. To change to a continued basis, would require modifications to well houses and disinfection equipment, along with the possibility of having to remove any latent chlorine in water stream prior to waste treatment and discharge of the water back into the surface water sources. We see this situation being very serious for these small communities, especially at a time when budgets are already stretched to the limit.

I again appeal for your support in making changes to this proposed Rule, *to remove mandatory disinfection for small water systems as defined by NR 166.* Current rules would, and do, regulate our water systems appropriately, should the need arise to disinfect a municipal water system. Thank you for your assistance in providing a public hearing for us. It would have been certainly more convenient, had it been held in northwestern Wisconsin.

Thank you, once again, for your consideration of this matter.

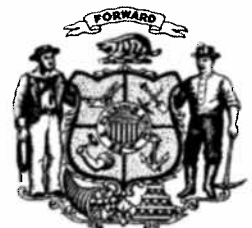
Sincerely,



Janet Hunter
Village President



WISCONSIN STATE LEGISLATURE





VILLAGE OF
WOODVILLE

Senator Sheila Harsdorf
PO Box 7882, Room 19 South
Madison, WI 53707-7882

Dear Senator Harsdorf,

We are writing to you today in reference to House Rule 09-073, which relates to the proposed safe drinking water design requirements for community water systems and requirements of the operation and maintenance of public water supply systems.

We are appealing to you today to support the concerns of the Village of Woodville Water and Sewer Committee. If House Rule 09-073 takes effect Woodville, along with several other of our neighboring communities, will be forced to disinfect our drinking water and pay for all, or at least a portion of, the necessary equipment, labor and testing of this mandate.

As Woodville continues to consistently meet and/or exceed state drinking water standards, why should we be forced into mandatory disinfection? We feel the local elected leaders of our community should have the power to decide what is best for their community, as opposed to a "one size fits all" solution as proposed by the Department of Natural Resources.

Thank you for your consideration on this matter.

Sincerely,

Barry Ketchum, Village of Woodville Water and Sewer Committee Chairperson
Dennis Russett, Village of Woodville Water and Sewer Committee Member
Sandy Reed, Village of Woodville Water and Sewer Committee Member

cc.

Senator Mark Miller, Chairperson - Committee on Environment
Representative John Murtha, 29th Assembly District





VILLAGE OF
WOODVILLE

June 29, 2010

Dear Senate Committee on Environment,

I am writing to you today to oppose Clearinghouse Rule 09-073.

If Clearinghouse Rule 09-073 takes effect Woodville, along with several other of our neighboring communities, will be forced to disinfect our drinking water and pay for all, or at least a portion of, the necessary equipment, labor and testing of this mandate.

Drinking water quantity and quality throughout the State of Wisconsin differs greatly. Therefore, what is good and/or necessary for one area of the state may not be necessary for another part of the state.

I feel the Department of Natural Resources should work with the local elected leaders of a community, assisting them, to decide what is best for their community, as opposed to a "one size fits all" solution currently proposed under Clearinghouse Rule 09-073.

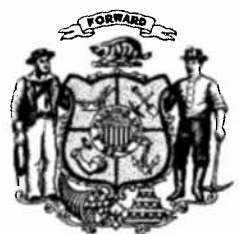
Thank you for your consideration on this matter.

Sincerely,

Dan Peterson, Village of Woodville Director of Public Works



WISCONSIN STATE LEGISLATURE



Bier, Beth

From: Sen.Miller
Sent: Tuesday, June 29, 2010 3:29 PM
To: Miller, Mark; Bier, Beth
Subject: FW: Mandatory Disinfection
Attachments: Mandatory Disinfection Letter.pdf

Jamie S. Kuhn

*Office of State Senator Mark Miller
State Capitol
PO Box 7882
Madison, WI 53707-7882
608-266-9170*

From: Dan Peterson [mailto:dan@villageofwoodville.org]
Sent: Tuesday, June 29, 2010 10:31 AM
To: Sen.Miller
Cc: Sen.Jauch; Sen.Wirch; Sen.Kedzie; Sen.Olsen
Subject: Mandatory Disinfection

Dear Senator Miller,

I was asked by Village of Woodville Trustee Lohmeier to forward the attached letter to you and the members of the Committee on Environment.

Daniel R. Peterson
Director of Public Works
Village of Woodville
715-698-2494
dan@villageofwoodville.org

Dear Senators, Representatives and Committee Members

I am writing this letter in regard to the proposed rule changes to House Rule 09-073.

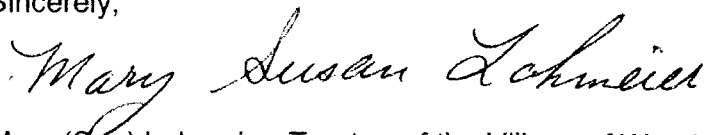
I am informed by our Village Director of Public Works, Dan Peterson, that the proposed new Rule 09-973 would force the Village of Woodville to do additional testing and potentially disinfect our drinking water incurring the cost of all or a portion of the required equipment, testing and labor to comply with this mandate.

As you may already know, this area of the state is known for its exceptional, clean, healthy and safe water quality. This fact, I am sure you will agree, is the result in part to the quality management and daily monitoring of water quality by the trained technicians of community Public Works Departments across this state. Here in the Village of Woodville our drinking water has consistently met or exceeded State of Wisconsin drinking water standards. Retaining this natural resource in its pristine state requires careful consideration with the addition of chemicals of any kind to our valuable waters resources. We are unique in the nation for our water and we want continued recognition for this fact.

I have concerns as to the rationale for the proposed changes. If these changes include an increase of chemicals such as chlorine or other chemical disinfectants, what are the future environmental impacts? What are the health risks to our constituents with the increase in chemical use required to meet the new standards? How do we justify the increased cost to treat water already deemed to be quality water by state standards? As you are well aware, our present economic situation as well as levy caps do not need another unfunded mandate. Will the State of Wisconsin have funding to fully support this new rule change? And most of all how do I justify giving over the power of "home rule" in this issue with a record of consistent quality water management by our Village of Woodville Water Quality Technicians? I feel we need to maintain our local right to choose and manage our water quality.

This issue is of great importance to my and your constituents. I thank you for your time in considering this issue and I ask for your support in moving carefully on this issue. At present I can find no positive reasonable way to approve or support the proposed rule changes in considering my limited information at this time on this issue.

Sincerely,



Mary (Sue) Lohmeier, Trustee of the Village of Woodville
410 Stockman St.
Woodville, WI 54028
(715)698-2382
ma_su_loh@yahoo.com