

Comments and DNR Responses Natural Resources Board Order DG-04-22

December 19, 2022

This document presents a summary of public comments received on proposed rules affecting chapter NR 140, Wis. Adm. Code, related to setting numerical standards to minimize the concentration of polluting substances in groundwater (Cycle 10 Bacteria).

OVERVIEW

The purpose of establishing groundwater standards is to protect public health. Some types of *E. coli* bacteria, when consumed, can cause acute (short-term) gastrointestinal illnesses causing diarrhea, abdominal discomfort, nausea, and vomiting. Less common effects are chronic (long-term) and include kidney failure, hepatitis, and bloody diarrhea. *E. coli* bacteria are a subgroup of coliform bacteria and are considered to be a much more specific indicator of fecal contamination, and the potential for pathogens to be present in drinking water, than total coliform bacteria. Infants and young children, the elderly, and people with compromised immune systems are at the highest risk for illness from pathogens in water. The proposed rule will update the groundwater standards to mirror the federal and state drinking water standards for bacteria.

The department provided numerous public input opportunities including: The department held a stakeholder meeting on October 14, 2020 for a rulemaking effort to establish new and revised groundwater quality standards in ch. NR 140, Wis. Adm. Code, for *E. coli* and total coliform bacteria (Board order DG-15-19). The stakeholder meeting provided an opportunity for stakeholders to submit comments and information relevant to the proposed rule and its potential economic impacts. One hundred and eight individuals and organizations were contacted and offered an opportunity to participate in the ch. NR 140 stakeholder meetings, and to provide comments and information relevant to the economic impacts associated with rule implementation. The department held a preliminary scope comment period from April 18 through April 22 and held a hearing on April 22, 2022. The department solicited comments on the economic impact of the rule from August 8 through August 22, 2022. A public comment period for the draft rule occurred from September 26 to October 27, 2022. A public hearing was held on October 21, 2022.

ECONOMIC IMPACT ANALYSIS

A public comment period on the draft economic impact analysis (EIA) occurred from August 8, 2022 to August 22, 2022. The department received no comments on the EIA during this period. No meaningful revisions were made to the draft EIA.

LEGISLATIVE COUNCIL RULES CLEARINGHOUSE

The Legislative Council Rules Clearinghouse submitted comments on form, style and placement; and clarity, grammar, punctuation and use of plain language. Changes to the proposed rule were made to address all recommendations by the Legislative Council Rules Clearinghouse.

PUBLIC COMMENTS ON DRAFT RULE

A public comment period for the draft rule occurred from September 26 to October 27, 2022. A public hearing was held on October 21, 2022. There were 5 attendees at hearing one registered in support and one who testified and supplied written comments in support. The following is a summary of comments received and the department's response:

The testimony presented stated that clean water is a human right and unfortunately not always the reality for many Wisconsinites and therefor supported the proposed rule. The department thanked them for their comments.