

Notice of Hearing

The Department of Natural Resources announces that it will hold a public hearing on a permanent rule DG-24-19 to revise chapter NR 809 relating to the promulgation of new drinking water maximum contaminant levels for Per- and Polyfluoroalkyl Substances (PFAS) including Perfluorooctanesulfonic acid (PFOS) and Perfluorooctanoic acid (PFOA). In accordance with s. 227.17, Wis. Stats., the DNR is seeking public comment and feedback on DG-24-19 at the time and virtual location shown below.

Hearing Information

Date: December 1, 2021

Time: 10:00 a.m.

Virtual Location Link:

- Join Zoom Meeting: <https://us02web.zoom.us/j/89978864201>
- Meeting ID: 899 7886 4201
- Join by Phone: +1 312 626 6799 US (Chicago)
- Find your local number: <https://us02web.zoom.us/u/kbw5Zb9aoK>

Rule Information

The objective of the proposed rule is to amend ch. NR 809, Wis. Adm. Code, to establish drinking water standards, referred to as Maximum Contaminant Levels (MCLs), for certain Per- and Polyfluoroalkyl substances (PFAS) including the contaminant compounds perfluorooctanoic acid (PFOA) and perfluorooctane sulfonic acid (PFOS). PFAS contaminants have been identified as emerging contaminants by the U.S. Environmental Protection Agency (EPA) and numerous states, including Wisconsin, due to their persistence in and threats to the environment, including surface water and groundwater resources. The impacts to surface water and groundwater sources are threats to public health, welfare and safety in obtaining drinking water. Establishing drinking water standards for certain PFAS contaminants in this rule will protect public health by setting MCLs that may not be exceeded. If MCLs are exceeded, a corrective action plan must be implemented to maintain protection of public health, welfare and safety in drinking water.

Accessibility

For the hearing or visually impaired, non-English speakers, or those with other personal circumstances which might make communication at the meeting/hearing difficult, DNR will, to the maximum extent possible and with reasonable advance notice, provide aids including an interpreter, or a non-English, large-print, or recorded version of hearing documents. To access these resources, please contact the email address or phone number listed below as soon as possible.

Appearances at the Hearing and Submittal of Written Comments

The public has the opportunity to testify at the hearing. To register and join the hearing online or by phone, use the information provided above. Pre-registration is also available and is strongly encouraged if you plan to provide spoken comments during the hearing. To pre-register, either use

the Zoom link above or download and complete the fillable [Hearing Appearance form](#) and send it to DNRNR809Comments@wisconsin.gov.

Comments on the proposed rule must be received on or before December 8, 2021. Written comments may be submitted by U.S. mail, E-mail, or through the internet and will have the same weight and effect as oral statements presented at the public hearing. **Written comments and any questions on the proposed rules should be submitted to:**

Department of Natural Resources

Attn: Adam DeWeese – DG/5

P.O. Box 7921

101 S. Webster Street,

Madison, WI 53707-7921

DNRNR809Comments@wisconsin.gov or DNRAAdministrativeRulesComments@wisconsin.gov

The rule may be viewed at: <https://dmr.wisconsin.gov/news/input/ProposedPermanent.html>

The rule may be reviewed, and comments made at: <http://docs.legis.wisconsin.gov/code/chr/hearings>

Initial Regulatory Flexibility Analysis

The department will allow for monitoring waivers to reduce the frequency of required monitoring at public water systems with no detection levels of PFAS.

The proposed rule spreads out the schedule for monitoring to reduce the initial impacts to public water systems as a whole:

- (a) Public water systems serving a population greater or equal to 50,000 [3 months after the rule becomes effective].
- (b) Public water systems serving a population 10,000 to 49,999 [6 months after the rule becomes effective].
- (c) Public water systems serving a population less than 10,000 [9 months after the rule becomes effective].

Public water systems may also apply for a waiver to reduce the frequency of monitoring. The department will consider the following criteria for granting a waiver:

- (a) Whether a contaminant has been used.
- (b) Whether previous analytical results show PFOA or PFOS.
- (c) The proximity of the public water system to a potential point source of contamination.

Agency Small Business Regulatory Coordinator

Emma Esch (608) 266-1959

Emma.Esch@wisconsin.gov

