

**ORDER OF THE STATE OF WISCONSIN
NATURAL RESOURCES BOARD
AMENDING RULES**

.....
 The Wisconsin Natural Resources Board proposes an order .
 to amend NR 140.10 Table 1, relating to groundwater .
 quality standards. .

DG-32-03

Analysis Prepared by the Department of Natural Resources

Statutory authority: ss. 281.12(1), 281.15, 281.19(1) and 299.11, Stats., and ch. 160, Stats.

Statutes interpreted: ss. 281.12(1), 281.15, 281.19(1) and 299.11, Stats., and ch. 160, Stats.

The proposed rule revises the existing state groundwater quality standards for arsenic. The enforcement standard will be lowered from 50 to 10 micrograms per liter and the preventive action limit will be lower from 5 to 1 microgram per liter. In accordance with ch. 160, Stats., enforcement standard groundwater quality standards are established based on recommendations received from the Department of Health and Family Services (DHFS). Preventive action limit groundwater quality standards for substances of public health concern are set at either 20% of the concentration of the established enforcement standard, or at 10% of the concentration of the established enforcement standard if the substance has carcinogenic, mutagenic or teratogenic properties or interactive effects.

DHFS staff review existing regulatory and toxicological information for substances of potential health concern. If a federal number, such as a federal drinking water standard or no-observed-adverse-effect-level, has been established for a substance, this number is used as the recommended ch. NR 140 enforcement standard. In January, 2001 the U.S. EPA established a new federal drinking water maximum contaminant level (MCL) for arsenic of 10 micrograms per liter. In accordance with s. 160.7(4), Stats., the DHFS has recommended adoption of the federal MCL as the NR 140 enforcement standard. Because arsenic is a known carcinogen, an NR 140 preventive action limit of 1 microgram per liter (10% of the recommended 10 microgram per liter enforcement standard) has been proposed.

SECTION 1. NR 140.10, Table 1 is amended to read:

[Drafters Note: For the sake of clarity, only the change for arsenic, which is the subject of this rule, is being shown. Other parameters are being revised in other DNR rulemaking orders]

**Table 1
Public Health Groundwater Quality Standards**

Substance¹	Enforcement Standard (micrograms per liter - except as noted)	Preventive Action Limit (micrograms per liter - except as noted)
Arsenic	50 <u>10</u>	5 <u>1</u>

SECTION 2. EFFECTIVE DATE. This rule shall take effect the first day of the month following publication in the Wisconsin administrative register as provided in s. 227.22(2)(intro.), Stats.

SECTION 3. BOARD ADOPTION. This rule was approved and adopted by the State of Wisconsin Natural Resources Board on October 22, 2003.

Dated at Madison, Wisconsin _____.

STATE OF WISCONSIN
DEPARTMENT OF NATURAL RESOURCES

By _____
Scott Hassett, Secretary

(SEAL)