

Report to
Legislative Council Rules Clearinghouse
NR 809, Wis. Adm. Code
Natural Resources Board Order No. DG-24-19

Wisconsin Statutory Authority
Chapters 280 and 281, Wis. Stats.

Federal Authority
§§ 42 USC 300f to 300j-27.

Comparison of Adjacent States

Other surrounding states have promulgated or proposed PFAS maximum contaminant levels (MCLs) or established Health Based Guidance Levels.

Illinois has proposed PFAS maximum contaminant levels for the following contaminants:

- PFBS - 140,000 parts per trillion
- PFHxS - 140 parts per trillion
- PFNA - 21 parts per trillion
- PFOA - 21 parts per trillion
- PFOS - 14 parts per trillion
- Total PFOA and PFOS - 21 parts per trillion

Iowa implements EPA's PFAS Health Advisory Level (HAL) for combined PFOA and PFOS at 70 parts per trillion.

Michigan has promulgated PFAS maximum contaminant levels for the following contaminants:

- PFOA - 8 parts per trillion
- PFOS - 16 parts per trillion
- PFNA - 6 parts per trillion
- PFHxS - 51 parts per trillion
- PFBS - 420 parts per trillion
- PFHxA - 400,000 parts per trillion
- GenX - 370 parts per trillion

Minnesota has established the health based guidance levels for the following PFAS contaminants:

- PFOA - 35 parts per trillion
- PFOS - 15 parts per trillion
- PFHxS - 47 parts per trillion

Court Decisions Directly Relevant
None.

Analysis of the Rule - Rule Effect - Reason for the Rule

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.

Agency Procedures for Promulgation

The department will hold a hearing online on December 1st at 10:00 a.m. The hearing will be followed by a request for Natural Resources Board adoption, expected in January 2021, followed by a request for the governor's approval and legislative review.

Description of any Forms (attach copies if available)

None.

Name and Telephone Number of Agency Contacts

Processing: Emma Esch, (608) 266-1959
Technical: Adam DeWeese, (608) 264-9229