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 relys 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

State of Wisconsin \ DEPARTMENT OF NATURAL RESOURCES

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Matthew J. Frank, Secretary

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July 12, 2010

Members of the Senate Environment Committee
State Capitol

Dear Senators:

During the recent Senate Environment Committee public hearing on NR 810 there were concerns raised by some municipalities that were also shared by members of the committee. I would like to address these concerns and explain how the rule will protect our municipal water systems in a cost effective manner.

First and foremost let me assure you that I am aware of the funding problems that communities, especially small communities, are having these days. A $5 or $10 thousand project can be difficult to budget for when there are so many competing needs for money in a community. We will have $120 000,000 available over the next three years that will be used to help all communities provide safe, clean drinking water. Additionally, we recently decided to revise the Clean Drinking Water funding program to provide additional financial help in the form of grant dollars for communities that are having financial difficulties. This change was intended to deal with the difficult situations that some communities will be facing in implementing this rule.

Second, the rule provides a great deal of flexibility in the proposed requirements for disinfection at municipal water systems, as contained in Chapter NR 810.09(2). Under the rule a water system may propose an alternative approach that would provide the same level of public health protection. This option would not provide additional time for compliance with the requirements but provides water systems the flexibility to substitute an approach or process that better fits their individual situation, while still protecting the public health.

Additionally, current state statutes provide the Department with enforcement discretion to ensure that the public health is protected in the most cost effective manner possible. I take this charge very seriously and while it is expected that there will be adequate grant funding to assist municipalities with this effort there may be a time when the budget demands make that impossible. If in future years the demand for grant money exceeds the available funds or if there is some other unforeseen circumstance that results in the need to delay compliance the department would agree to meet with the affected community to discuss the difficulties they face in meeting the proposed requirement. Upon reaching an agreement on when the resources would be available to enable the system to meet the requirements and what steps the water system will take until the requirement is met, a letter of agreement would be signed between the water system and the Department. This agreement would extend the compliance period beyond 3 the years provided for in the rule and the water system would not be out of compliance so long as the terms of the agreement are met.

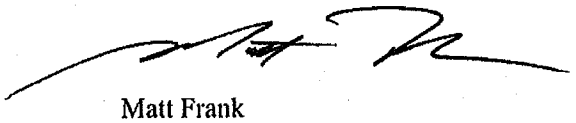
If an agreement were not in place within 3 years a variation of this second approach would still occur. In this case the Department would notify the water system that it is not in compliance with the requirement and request a meeting to discuss when and how a system would return to compliance. At the meeting Department staff and representatives of the water system would discuss the challenges faced by the water system, such as the lack of available funding, and develop a timeline for when the system would return to compliance with the rule. Again a letter of agreement would be signed between the Department and the water system. The Department will be available to meet with communities that are struggling with the rule or where they would like further assistance

on implementing the rule. This meeting will allow the Department to learn about individual situations, provide guidance, and discuss system alternative and funding. This will afford water systems the opportunity to negotiate an extended timeline without the need for a formal enforcement action.

Finally, the Department is committed to ensuring a good working partnership with the municipalities and therefore the DNR will engage the affected communities directly to discuss in greater detail the implementation of these rules. The Department will be available to meet with communities that are struggling with the rule or where they would like further assistance on implementing the rule. This meeting will allow the Department to learn about individual situations, provide guidance, and discuss system alternatives and funding. Bruce Baker, Water Division Administrator can be reached at (608) 264-6278.

I understand the uncertainties and challenges faced by the small municipalities in the state especially during these difficult economic times. I want to assure you that Department staff will work hard to find solutions that will both protect the integrity and the safety of the drinking water provided to Wisconsin residents while using the flexibility built into this rule and state statutes to accomplish these goals in the most cost effective manner possible.

Sincerely,



Matt Frank
Secretary

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.

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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.

Wisconsin Water And Health Trial for Enteric Risks (WAHTER Study)

Estimating Illness Risk from Drinking Non-Disinfected Municipal Groundwater

Mark Borchardt, Susan Spencer, and Burney Kieke
Marshfield Clinic Research Foundation
Elisabetta Lambertini and Frank Loge
University of California - Davis

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Waterborne Disease Outbreaks in the USA

- From 1971 to 2006 there were nearly 750 outbreaks associated with an infectious agent in drinking water; 60% of the outbreaks were attributable to groundwater
- Pathogen in about 50% of outbreaks is unknown and assumed viral

Summarized from CDC reports, e.g., MMWR, 2006, 55(SS12);31-58

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Virus Occurrence in Groundwater in the USA

- **Tested 448 municipal wells in 35 states, 31.5% positive for viruses (Abbaszadegan et al 1998)**
- **Tested 30 municipal wells in 17 states, 23% positive for enteroviruses (Lieberman et al 1999)**
- **Tested 29 wells and 72% were virus-positive (Fout et al 2003)**
- **Viruses in Wisconsin groundwater: Private domestic wells (8%), City of La Crosse wells (83%), and City of Madison wells (66%) were virus-positive (Borchardt et al 2003, 2004, 2007)**
- **Occurrence and Monitoring Document for the Final Ground Water Rule: at some point in time 27% of public water supply wells are virus-positive (EPA 2006)**

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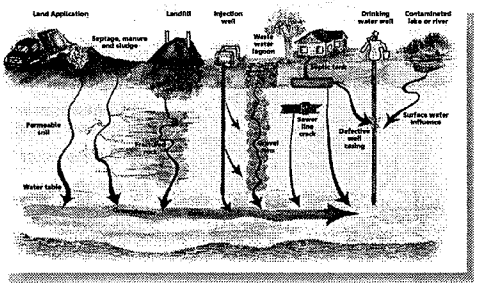
Virus Sources and Infiltration Routes into Groundwater



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Enteric Viruses – Clinical Significance

- **Enteroviruses:** fever, "summer cold", diarrhea, hand, foot, mouth disease, conjunctivitis, meningitis, myocarditis, poliomyelitis, diabetes? chronic fatigue syndrome?
- **Rotavirus:** severe diarrhea and vomiting, 50,000 hospitalizations/year in US
- **Hepatitis A virus:** gastroenteritis, hepatitis, fatality rate of 2.7% in people > 49 years of age
- **Noroviruses:** gastroenteritis, "the flu"
- **Adenoviruses:** diarrhea, acute respiratory illness, pneumonia, conjunctivitis, neurological diseases, obesity?

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Health Risk or Non-Issue?

- So viruses are present in public water supply and domestic wells …
- Does it matter?
- Is there any effect on public health?

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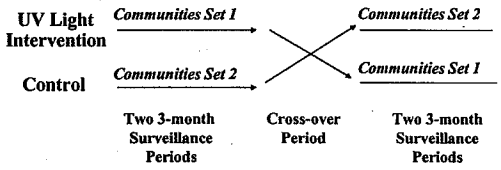
Study Objectives

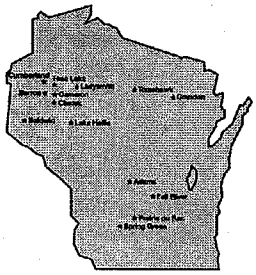
1. Determine the association between tap water virus concentrations and community illness rates
2. Estimate the risk of acute gastrointestinal illness (AGI) from drinking municipal water from groundwater sources
3. Accounting for any risk contributed by groundwater, estimate the AGI risk contributed solely by contaminated distribution systems
4. Determine the association between viruses in distribution systems and utility operation and maintenance procedures

Wisconsin WAHTER Study Design

Intervention trial in 14 groundwater-source communities



WAHTER Study Participating Communities



Populations: 1,200 – 8,300

Number Wells: 2 – 5

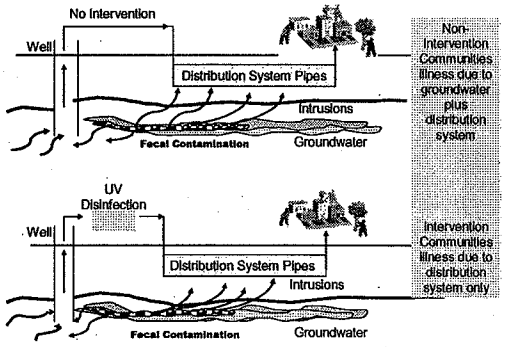
Pumpage: 0.13 – 2.1 MGD

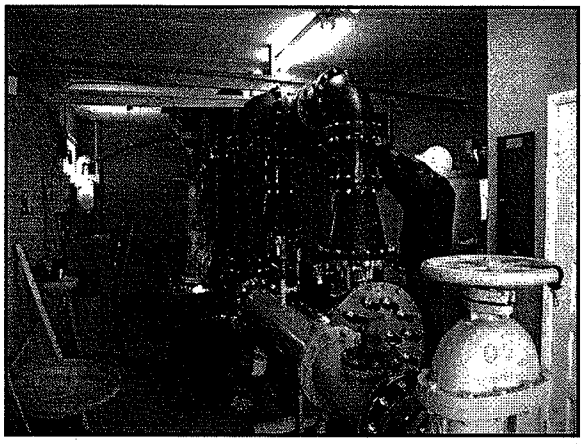
Hydrogeology: sand, sandstone, limestone

No surface water influence

No disinfection

UV Intervention Effect





Epidemiological Study Design

- Acute gastrointestinal illness (AGI) surveillance for four 12 week periods, spring and autumn 2006 and 2007
- AGI defined as ≥three episodes loose watery stools OR ≥one episode vomiting in 24 hour period
- Eligibility: family served by study community's water system and have at least one child 6 months to 12 years old
- Exclusions: chronic GI illness; child attends daycare or school outside of community > 20 hrs/week
- Participants submitted an illness symptom checklist every week

Participating Households' Characteristics

Characteristic	Number	%
Household size (no. of persons)		
2	17	(3)
3	159	(26)
4	246	(40)
5	136	(22)
≥6	63	(10)
Residence type		
Single family home	572	(92)
Apartment or condo	43	(7)
Other	6	(1)
Faucet or plumbing filtering device		
Yes	73	(12)
No	547	(88)
Don't know	1	(<1)
Primary drinking water source		
Municipal	1546	(93)
Bottled water	68	(3)
Other	1	(<1)
Missing	54	(3)

- Beginning enrollment: 621 households
- Ending enrollment: 440 households
- Beginning enrollment: 1,079 children, 580 adults
- Ending enrollment: 765 children, 413 adults

Water Sampling Plan

- Every study community sampled once per month
- Sampled all operating wells before and after UV disinfection units

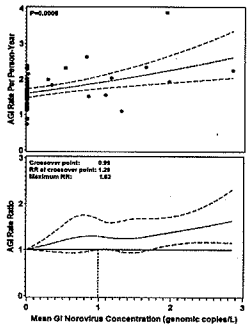
Distribution system samples (up to 8 per community) collected from household taps

Virus Types, Frequencies, and Concentrations in Tap Water

Virus Type	Number qPCR Positive Samples (%)	Virus Concentration Genomic Copies/L Mean	Median	Maximum
Adenovirus	157 (13)	0.07	0	9.5
Enterovirus	109 (9)	0.8	0	851.1
GI Norovirus	51 (4)	0.60	0	115.7
GII Norovirus	0 (0)	0	0	0
Hepatitis A Virus	10 (1)	0.006	0	4.1
Rotavirus	1 (0.1)	$2X10^{-5}$	0	0.03
All Viruses	287 (24)	1.5	0	853.6

N = 1,204 samples

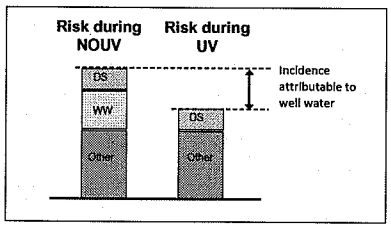
G1 Norovirus Concentration in Tap Water and AGI Incidence



All ages
Unadjusted

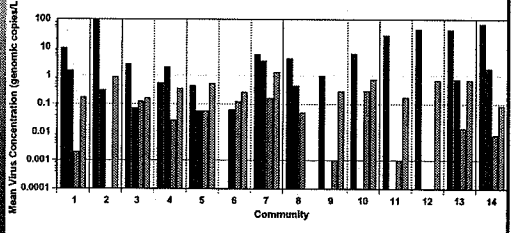
Objective 2

Estimate the risk of acute gastrointestinal illness (AGI) from drinking non-disinfected municipal water from groundwater sources



Viruses in the Study Wells

In the 14 study communities, of all 36 wells tested, 34 were virus-positive (139 positive samples out of 392 (36%))



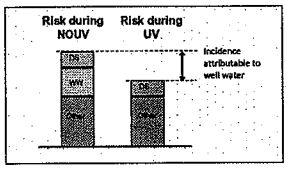
Attributable Risk Percent for Groundwater-borne AGI

Adults, Periods 3 and 4

AR% = 13%
95% Confidence Interval: - 5% - 22%

Children <5, Period 1

AR% = 13%
95% Confidence Interval: - 12% - 41%



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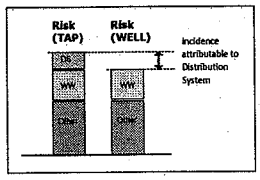
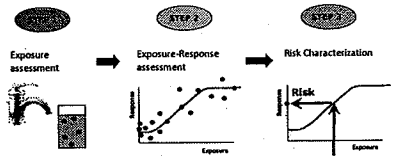
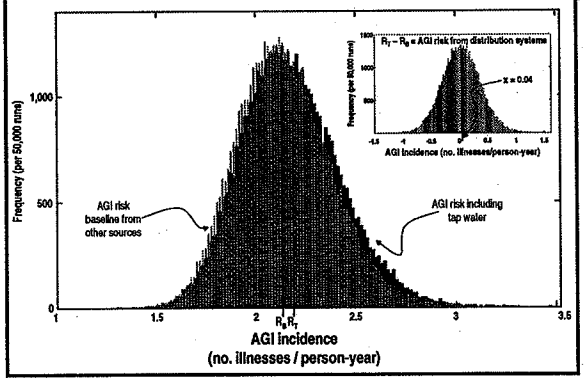


Objective 3

Risk Assessment for Estimating the AGI Risk Contributed by Contaminated Distribution Systems



Distribution System Risk – Approach 1 With UV



Does Groundwater-borne Illness Risk Meet EPA Standards?

- Acceptable EPA risk for waterborne disease is 1 infection in 10,000 people/year
- Assume every infection leads to an illness, then the acceptable illness rate is 0.0001 illness/person-year
- In the fall of 2006 the WAHTER Study measured 0.44 illness/person-year in children < 5 years old that was attributed to groundwater
- 4,400 times higher than EPA acceptable risk

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Summary

- Virus levels in tap water were significantly associated with community rates of AGI; the higher the virus concentration, the more illnesses in the community
- The UV intervention effect in reducing AGI was strongest in children <5 in Period 1 when norovirus was abundant and in adults in Periods 3 and 4 when echoviruses were abundant
- The fraction of AGI during these time periods that was attributable to contaminated groundwater was 13% for both age groups
- The fraction of AGI attributable to contaminated distribution systems was lower than that for groundwater: 1 – 4% across all modeling scenarios
- Risk for waterborne AGI in these communities was much higher than US EPA standards allow

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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.

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 rational 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 is the health risks to our constituents with the increase 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 you support in moving carefully on this issue. At present I can find no positive reasonable to approve or support the proposed rule changes in considering my limited information at this time on this issue.

Sincerely,

Mary Susan Lohmeier

Mary (Sue) Lohmeier, Trustee of the Village of Woodville
410 Stockman St.
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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

102 S. Main Street • P.O. Box 205
Woodville, WI 54028
PHONE (715) 698-2355 FAX (715) 698-2697
EMAIL: vwoodvil@baldwin-telecom.net

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

102 S. Main Street • P.O. Box 205
Woodville, WI 54028
PHONE (715) 698-2355 FAX (715) 698-2697
EMAIL: jan@villageofwoodville.org

Cheese Curd Capital of Wisconsin™

ELLSWORTH COOPERATIVE CREAMERY
EST. 1910

232 North Wallace
P.O. Box 610
Ellsworth, Wisconsin 54011
Phone: 715.273.4311
Fax: 715.273.5318
Web: ellsworthcheesecurds.com

State Senator Sheila Harsdorf
10th Senate District
PO Box 7882 State Capital
Madison WI 53707-7882
Sen.Harsdorf@legis.wisconsin.gov

June 17, 2010

Dear Senator Harsdorf,

Re: Rule 09-073 regarding disinfection requirements:

The Ellsworth Cooperative Creamery is concerned about the proposed change to municipal water in the Village of Ellsworth where it would be required to chlorinate its safe tested public water supply. We have concerns based on our own needs for water into the cheese plant and the discharging of treated water via our private waste treatment facility.

First, many of the specialized processes we use in the plant require that the water be free of chlorination. Chlorination creates issues with our processes, equipment and safety within the plant. Many of the chemicals used in our process when mixed with chlorine become a dangerous gas also referred to as Muster Gas. The concentration of chlorine would be low but it still presents a risk to the employees. To counter the effects of the chlorination we would need to add more chemicals to counter or remove the chlorine. More chemicals would be counterproductive to cleaning process and make the issue worse. Finally some of the membranes used in the plant would be destroyed by chlorination. We can counter the effects of chlorinate through the use of more neutralizing chemicals. However, they have a zero tolerance for chlorination for exposure to our membranes. One mistake or misuse of city water could destroy $120,000 worth of membranes used in our processing equipment.

The waste water discharges for both the village and cooperative are limited in the amount of chlorides they can release per DNR regulations. It seems counterproductive to add chlorides when they are not needed. We already spend money to limit the amount of chlorides and this would force both waste treatment plants to spend more to remove chloride that is not needed in the first place.

Finally, chlorine is used to kill harmful germs when they are present, since they are not present why we would want to add chemicals to the village's water supply. It would be a waste of dollars to add them since the water is tested safe and it would introduce a chemical for our citizens to drink and absorb.

In summary the rule to require chlorination on safe tested water in the Village of Ellsworth would add cost, harm processing equipment, increase the exposure to industrial accidents, increase the chlorides in waste water discharges that are already monitored, and increase the amount of chemicals consumed by residents. For those reasons we are not in favor of requiring chlorination.

Paul M. Bauer

CEO / General Manager

VILLAGE OF ELLSWORTH

130 N. CHESTNUT ST.
ELLSWORTH, WI 54011
715-273-4742

June 8, 2010

Subject: Objection to Mandatory Disinfection of water system

Dear Senators:

The Village Board of the Village of Ellsworth would like to go down on record objecting to Mandatory Disinfection of the Water Supply under proposed Clearinghouse Rule 09-073.

The additional costs associated with this requirement, some being possible expansion to well houses to accommodate additional storage area, additional chemicals, and additional employees, would be a hardship to our community along with other smaller communities. Each government agency is challenged with making restricted budgets work that do not allow for the expense of added mandates. These additional mandates are a direct burden to the residents of the Village of Ellsworth with increased rates.

Each community is capable of determining if their water source is safe, along with assistance from the DNR, communities that do not have quality water have to use chlorination and are doing so.

On occasion the Ellsworth Cooperative Creamery uses the Village of Ellsworth water supply and they are unable to use chlorinated water for use in their cheese processing. They would need to make costly changes in order to continue to use the Village of Ellsworth water as a back-up supply.

On behalf of the Village Board of the Village of Ellsworth I strongly urge you to vote against Mandatory Chlorination Clearinghouse Rule 09-073.

Thank You,

Gerald DeWolfe

Gerald DeWolfe
Village President
Village of Ellsworth

Pan

WISCONSIN STATE ASSEMBLY

28TH ASSEMBLY DISTRICT

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.

OFFICE: State Capitol, P.O. Box 8952, Madison, WI 53708 ★ PHONE: (608) 267-2365
TOLL-FREE: (888) 529-0028 ★ E-MAIL: rep.hraychuck@legis.wi.gov ★ FAX: (608) 282-3628

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.

advanced food products llc
600 FIRST AVENUE WEST
CLEAR LAKE, WI 54005

Al Bannink
Village Clerk
Clear Lake, Wisconsin

Dear Mr. Bannink:

You have informed us that the DNR may require the addition of chlorine to the Village of Clear Lake water supply. As you are aware, the Village of Clear Lake is the only source of water to the AFP plant. As an employer of 125 people in the community, I will say we are concerned about the addition of chlorine to our water supply.

We use a great deal of water in our 100 million pound production plant. Water is our primary ingredient. We do not treat the water that is supplied to us. As a matter of fact, we rely greatly on the high quality, non-treated water we currently get from the Village of Clear Lake.

Our concerns center on two points:

1. Our 300 plus product formulas are sensitive. They are a combination of a variety of ingredients including minerals and vitamins. We are producers of smooth homogenous products that are sold throughout the world. When we hear about the addition of chlorine, regardless of strength, we go right to the potential need to do a great deal of formulation work. That work is not easy and takes a great deal of time. Our test run costs run about $3000 per test run. As you can see, if we need to do a few hundred tests, the costs become extremely high. We are in a competitive business and customer supply is critical. Anything that impedes supply opens the door to our competitors and losing business translates into losing jobs.
2. We currently discharge about 400,000 to 500,000 gallons of non-contact water to Clear Lake on a daily basis. If our permit hinders us from doing that, we will have to look at the installation of cooling towers. The capital to install that equipment as well as additional refrigeration capacity has not been priced but it would easily run into hundreds of thousands of dollars.

As you can see, adding chlorine will cause us a great deal of work and cost. I am stating the obvious, but we would like to avoid both the work and the cost. You have a strong, clear voice, from AFP, to keep chlorine out of the water supply.

Best Regards,

Paul Shafer
Plant Manager
AFP advanced food products, llc

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

MEMORANDUM

AYRES ASSOCIATES

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.

3376 Packerland Drive • De Pere, WI 54115 • 920.498.1200 • Fax: 920.336.5310 • www.AyresAssociates.com

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.

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.

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.

P.O. Box 726 • Cumberland, WI 54829 • Office: 822-2595 — 24 Hour: 822-8298

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.

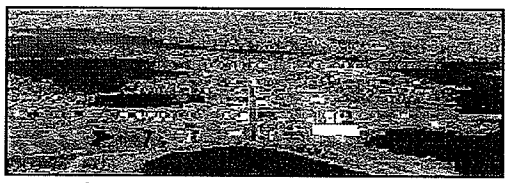
Dean Bergstrom, License #32258
Cumberland Certified Waterworks Operator

CITY OF CUMBERLAND *Little Island with a Big Future* **CUMBERLAND, WISCONSIN**

THE ISLAND CITY
Clerk-Treas. Dennis Rockow
cumberland@charter.net
Public Works Dir. Brent Laursen
cumbpworks@charter.net
715.822.2752 / Fax 715.822.3799

Mayor Tom Mysicka
cumbmayor@charter.net

www.cityofcumberland.net



1356 2nd Ave. PO Box 155 Cumberland 54829

TESTIMONY BY
MAYOR TOM MYSICKA
CITY OF CUMBERLAND, WI
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 Tom Mysicka, and I am the newly elected Mayor of the City of Cumberland. I have been a resident of Cumberland all of my life, and my wife and I have raised our children there. Cumberland has been an exceptional place to grow up and live.

My family and I have utilized the drinking water supply from the City of Cumberland Municipal Utility throughout our lives, and we have not experienced any ill effects from its use.

The citizens of Cumberland are proud of their community and the services it offers. There have been attempts over the past years to have various chemicals added to the drinking water supply, such as Fluorine. Any attempt to add chemicals to what the citizens of Cumberland believe is one of the very best water systems in the state of Wisconsin and a great asset to our community, have been thwarted at every turn.

Currently Cumberland does not have any chemicals added to its water system, a system that has existed for over 100 years. During the time that I have been mayor, I have had compliments on our drinking water and been made aware of the fact that it was judged the "3rd Best Tasting Drinking Water" in the state by the Rural Water Association in the past year.

During these tough economic times with tight budgets and citizens on fixed incomes, even small increases in the costs of public services cause great concern on the part of our citizens.

It is my understanding that should we be forced to add chlorination to our system, with the fact that we have naturally occurring manganese in our drinking water supply, adding chlorine may cause the manganese to turn our water a terrible brown color. The result will be the addition of poly-phosphates to our water, along with the chlorine. *This IS NOT an acceptable solution.*

I believe that basing the need to chlorinate all of the state's drinking water supply on a single study would be a very poor decision. It is my understanding that should we chlorinate, our waste treatment facility would have to also monitor the chlorination, and may have to de-chlorinate the processed water before it could be discharged. This again, would result in higher costs to the citizens and businesses of our community.

Cumberland is fortunate to have a good industrial base and a healthy commercial business district. In discussing this issue with many of the industry leaders, I learned that Ardisam's Sun Power Biodiesel, an emerging industry, is concerned with the formulation of their manufacture of biodiesel, due to the possibility of added chemicals.

3M, one of our leading industries, has several divisions in their Cumberland plant. They also are concerned about their product formulations with the addition of chemicals in the water supply.

Seneca Foods, one of the largest green bean canning operations in the United States, chlorinates some of their process water. However, added costs to their water supply from the Municipal Utility with the addition of chemicals, would be calculated into their *cost per can,* and could result in less expansion in our community. Seneca currently uses approximately One Million gallons of water per day during the canning season.

Large commercial users, such as the bait stores, *would have to de-chlorinate* prior to the use of our water for minnows and other baits. Louie's Finer Meats, a world-renowned specialty sausage maker, would also have to de-chlorinate their supply of water before use in their manufacturing process, and, the effect of the poly-phosphates is unknown on their products at this time.

The bottom line on all of these industries and commercial businesses is that their manufacturing and business costs will significantly rise, which may have an effect on their being competitive in today's market-place.

It is my understanding that some of the suppliers of water have been left out of this regulation... Those being private systems. I believe the Committee should consider an Exemption for small cities, *when it <u>has not</u> been demonstrated a serious health hazard,* and the cost impact to these cities could be devastating. Seneca Foods alone has more than 300 employees during the summer canning season.

I know that currently many of our citizens have chosen to live in Cumberland for the services we offer. To provide these services, our costs are escalating – our tax rate is higher than surrounding townships – it is getting harder and harder to attract new homes, and to maintain our existing population. One of

our surrounding townships already has a larger tax base than the City – With the mandatory disinfection of the municipal water systems, *and not mandatory disinfection for private wells,* this Rule will accelerate the move to the townships, and lower our home values.

I would respectfully ask that you send this Rule back to the DNR, for modification of the mandatory disinfection rule, to allow the Exemption that I have commented on. On behalf of the City of Cumberland, I would like to thank the committee for providing an opportunity to comment on this important rule.

Thomas P. Mysicka

Mayor Thomas Mysicka
City of Cumberland

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 rational 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 is the health risks to our constituents with the increase 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 you support in moving carefully on this issue. At present I can find no positive reasonable to approve or support the proposed rule changes in considering my limited information at this time on this issue.

Sincerely,

Mary Susan Lohmeier

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

WABENO SANITARY DISTRICT

1735 THIRD ST.
P. O. BOX 4
WABENO, WI 54566
715-473-2905
WSD328@centurytel.net

Sen. Mark Miller, Chairman
Senate Environment Committee
Room 317 East
Madison, WI 53707

Dear Senator Miller:

RE: Proposed Rule DG-19-09

We are a small community that is blessed with pristine, good tasting groundwater. Our wells are 155 feet and 95 feet deep. They are protected from potential contamination sources by a Wellhead Protection Plan.

Why would we be opposed to Rule DG-19-09?

1. The EPA rule does not require Mandatory Disinfection.
2. We have not had an opportunity through testing to prove whether disinfection of our water supply is necessary or not. Truly, there is a lack of evidence to prove disinfection is needed in all areas of the State of WI.
3. The cost to bring our wells up to this proposed rule would far exceed the $10,000 estimated in the Rule. Additional cost would be reflected in higher water bills.
4. Cost:
    - Add a Corrosive Room & Equipment to Well #1 - $30,000 to $40,000. (on the very rare occasions we have had to disinfect our water supply, we do have a corrosive room and equipment at Well #2. We can handle any emergency chlorination with this one setup).
    - Chemicals for disinfection.
    - Additional personnel hours and cost of monitoring since this is required 7 days per week.

5. The EPA Fact Sheet on Chlorination advises "some byproducts produced by chlorine and organic materials naturally found is water have been shown to cause cancer or other adverse health affects in animals". Apparently, the EPA, since they are not making disinfection mandatory (as proposed by the State of WI) feels additional studies are needed.

We are asking that this Rule DG-19-09 not be approved without additional studies on the potential health risks, disinfection methods, the need for all districts to disinfect and a total reevaluation of costs for this Mandatory Disinfection Rule.

Thank you for your consideration of this matter.

Sincerely,

Scott Schuhart, Chairman
Wabeno Sanitary District

CUMBERLAND MUNICIPAL UTILITY

Charles Christensen,
General Manager

May 25, 2010

State Senator Mark Miller
P.O. Box 7882
Madison, WI 53707-7882

Dear Senator Miller:

We have been informed by our Representative, Mary Hubler that you have agreed to schedule a hearing on rule 09-073 relating to the safe drinking water design requirements for community water systems and requirements for the operation and maintenance of public water supply systems. Thank you for your consideration of this request.

As you may know, there is considerable concern on the part of the Municipal Water Systems that do not currently chlorinate or disinfect their water supplies. Under this rule it would be mandatory for all municipal systems to disinfect their water supplies either by chlorination or any other acceptable means. Many municipalities in Wisconsin do not currently chlorinate or disinfect their water supplies on a regular basis. They do, however, maintain a high level of safe drinking water sampling. It is our understanding that this requirement is primarily based on a study conducted by Mr. Mark Borchardt of the Marshfield Research Foundation, possibly discovering viruses in ground water.

We have received responses from 51 municipal systems that oppose the mandatory disinfection of the water supplies in their communities. I am including a list of those municipalities and a map showing the location of them in the State of WI. The primary area for these municipal systems is in the northwest portion of the state. Many of these municipalities are small and it is very difficult for them to send representatives to Madison, therefore, we would respectfully request that any hearings on this matter be held in the northwestern portion of the State of Wisconsin. Cumberland would like to offer you facilities to hold the hearing at no cost, should you consider moving it to the northwestern portion of the State.

We have forwarded your consideration of scheduling a public hearing on this matter to all 51 communities that have expressed interest and have encouraged them to correspond with you and other members of the Senate Environment Committee, expressing their concerns.

On behalf of the 51 communities I would like to thank you and the committee for providing a opportunity to voice our concerns at the public hearing.

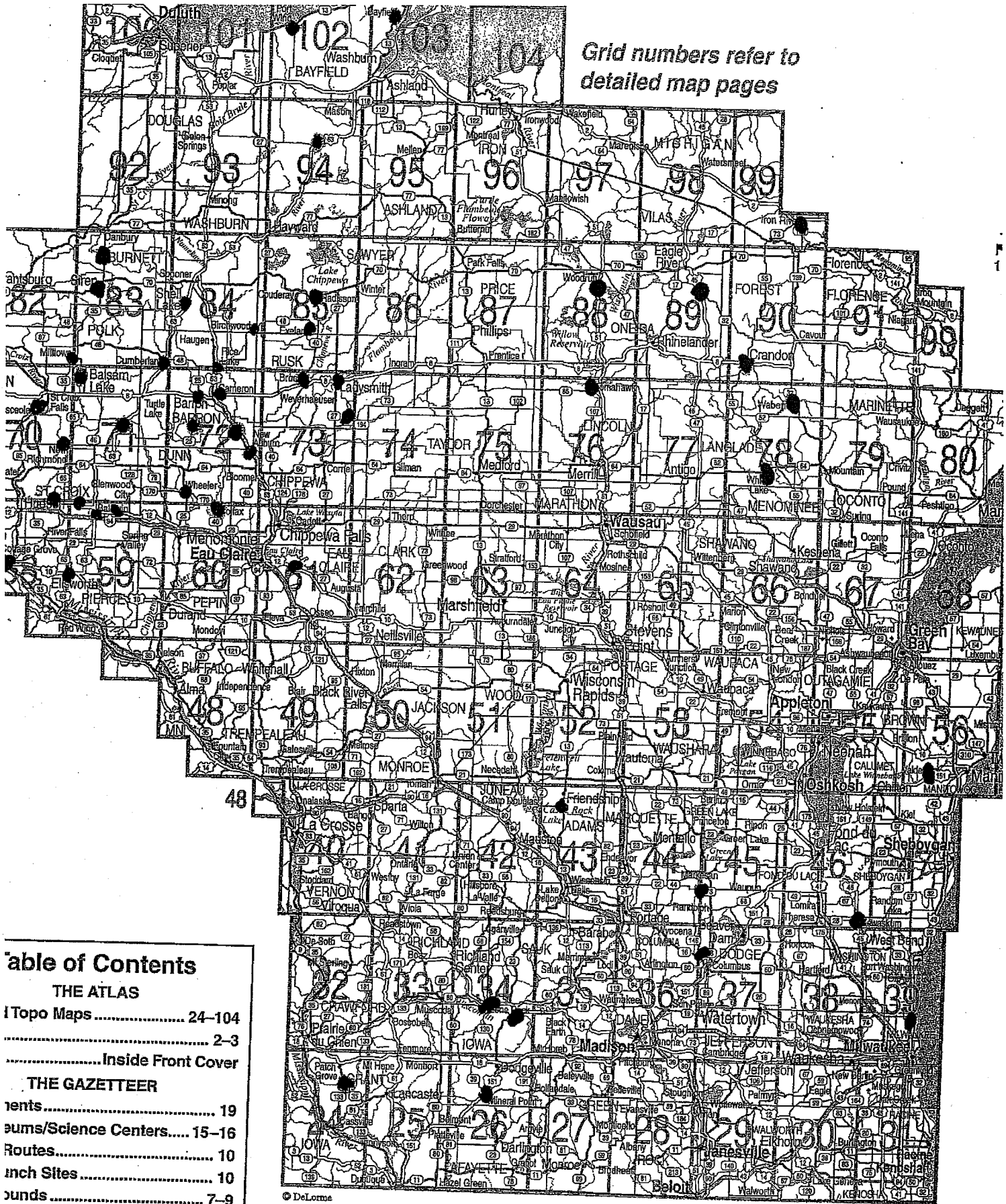
Sincerely,

Charles Christensen, Manager
Cumberland Municipal Utility

P.O. Box 726 • Cumberland, WI 54829 • Office: 822-2595 — 24 Hour: 822-8298

Wisconsin water systems that do not chlorinate

Adams Waterworks
Baldwin Waterworks
Balsam Lake Waterworks
Barron Light & Water
Bayfield Waterworks
Birchwood Waterworks
Bloomington Waterworks
Bruce Waterworks
Cameron Waterworks
Chetek Waterworks
Clear Lake Waterworks
Colfax Waterworks
Crandon Waterworks
Cumberland Waterworks
Dallas Waterworks
Dresser Waterworks
Drummond Sanitary District
Ellsworth Waterworks
Exeland Waterworks
Fall Creek Waterworks
Fall River Waterworks
Fox Point Waterworks
Friesland Waterworks
Hammond Waterworks
Iron River Sanitary District
Kewaskum Waterworks
Ladysmith Waterworks
Lakeland Sanitary District 1
Lone Rock Waterworks
Milltown Waterworks
Mineral Point Waterworks
New Auburn Waterworks
Port Wing Waterworks
Prescott Waterworks
Radisson Waterworks
Rice Lake Waterworks
Roberts Waterworks
Sheldon Water Utility
Shell Lake Waterworks
Siren Waterworks
Somerset Waterworks
Spring Green Waterworks
St. Nazianz Waterworks
Star Prairie Waterworks
Three Lakes Sanitary District
Tomahawk Waterworks
Wabeno Sanitary District
Webster Waterworks
Wheeler Waterworks Assoc.
White Lake Waterworks
Woodville Waterworks



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THE ATLAS

THE GAZETTEER

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CITY OF

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Washburn, WI 54891

WASHBURN
WISCONSIN

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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

Lakeland Sanitary District No. 1

(715) 356-4454
Phone

8780 Morgan Road
MINOCQUA, WI 54548-9797

(715) 358-8830
Fax

June 22, 2010

Senator Mark Miller
Room 317 East
State Capitol
PO Box 7882
Madison WI 53707-7882

Dear Senator Miller,

I am writing on behalf of Lakeland Sanitary District No.1. We are a municipal water and sewer utility serving Minocqua, Woodruff, and Arbor Vitae, WI. I am writing in regards to Clearinghouse Rule 09-073, which in part requires mandatory disinfection of municipal water systems. The effort to keep viruses out of the water supply is understandable. I believe everyone involved is looking out for the best interest and the health of the consumer. No one would argue that the safety of the public is not the number one priority. We take great care as operators without continuous disinfection to keeps bacterial contaminants out of our system during maintenance and construction.

My comments are directed towards using chlorination as a disinfectant. While other technologies are available, the up front costs for the alternate technology would be significant for smaller utilities. Chlorine also would provide a residual allowing for further disinfection of the collection system. Other technologies such as UV would provide no protection past the water source. Currently, we have a system in place for emergency chlorination in the event we have a positive detect of coliform bacteria. The system would serve as a start for continuous disinfection but would probably need to be upgraded in terms of storage capacity and providing a chemical feed room for our well houses. We would also have to test for chlorine byproducts. In the case of some water systems, depending upon the characteristics of their water supply, they could violate the MCL's for chlorine byproducts. Chlorine byproducts have become an issue because of the risk of causing cancer and reproductive or developmental problems.

For many smaller communities having an un-chlorinated water supply is a source of pride. If you talk too many of these residents, who have had a water supply free of chlorine for their entire life, they can not imagine drinking chlorinated water on a continuous basis.

I believe more research is needed before mandatory disinfection is put into place. I would like to see more research on the potential of viruses to reach the groundwater supply and if more could be done to prevent viruses from reaching the supply. It would also be beneficial to have more data on the infection rates if there are viruses found in a water supply and to eliminate all other means of transmission.

Thank you for your time and attention to this matter.

Sincerely,

Ronald Groth
Superintendent

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

VILLAGE OF WEBSTER

7505 Main Street West • P.O. Box 25 • Webster, WI 54893-0025
715/866-4211 • Fax: 715/866-4863 • E-mail: villageofwebster@centurytel.net

June 18, 2010

Senator Mark Miller
Chairman – Senate Committee on Environment
Room 317 East
State Capitol
PO Box 7882
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 Webster'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.

Webster's municipal drinking water system began on November 1955, 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.

VILLAGE OF WEBSTER

7505 Main Street West • P.O. Box 25 • Webster, WI 54893-0025
715/866-4211 • Fax: 715/866-4863 • E-mail: villageofwebster@centurytel.net

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 concentrations of the communities that do not chlorinate their water supplies on a regular basis are in northwestern Wisconsin. A survey was done by the Village of Siren (a neighboring Village) they 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 Bob, as our Senator, and as a person who has been very concerned about the citizens in your district, *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,

Thomas Stusek
Village President

DRUMMOND SANITARY DISTRICT
P O Box 43
Drummond, Wisconsin

June 17, 2010

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

Dear Senator Miller,

I am contacting you to oppose the Continuous Chlorination rule that has been formulated by the Wisconsin Department of Natural Resources that would require all municipal water systems in Wisconsin to disinfect (chlorinate) their water supplies continuously.

Drummond Sanitary District currently does not chlorinate its municipal drinking water system except in emergency situations. Out of a total of 351 water tests in the last ten years, only 18 were found to be unsafe. Seventeen of the unsafe samples were prior to 2006. Approximately 95% of the repeat samples came back safe, which would indicate sampling errors in the field or at the lab. In either case there was no need to chlorinate.

Continuous chlorination would require expansion of our well house. The current size of our well house is not large enough to store a 30-day supply of the disinfectant, as is required by the rule. Our community is largely low to moderate income and cannot afford this unfunded mandate. Other small sanitary districts throughout the state would be greatly impacted by this rule. With a limited customer base it is an additional burden that is spread over a small number of people.

We believe that additional study is necessary to determine the health impact of the disinfection and the best treatment methods.

Sincerely,

Randy Levandoski

Randy Levandoski, President Drummond S.D.