What's in your drinking water: SDWA and PFAS in drinking water

WHAT SCHOOLS SHOULD KNOW

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WISCONSIN DEPT. OF NATURAL RESOURCES

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

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Outline

- SDWA Background & WI Requirements
- Proposed WI Legislation-Lead in water
- What are PFAs and where are they found
- Revision to legislation – timeline
- 2023 sample requirements

SDWA Background

- Safe Drinking Water Act (SDWA)
  - Created in 1974 & emended and reauthorized in 1986 & 1996.
  - Ensures safety of Americans' drinking water.
  - Authorized EPA to set national standards to protect health effects from contaminants.
  - Only applies to public water systems (NOT residential private wells).
  - Wis. DNR enforces these rules in WI.

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SDWA In Wisconsin

- Department of Natural Resource (DNR)
  - Responsible for implementing SDWA in Wisconsin
  - SDWA is managed by the Bureau of Drinking Water and Groundwater.
    - **Approvals**
      - Well construction, pump installation & rehabilitation, chemical addition to water, water treatment and new system capacity.
    - **Technical Assistance**
      - Assist public well operators with SDWA compliance.
    - **Inspections**
      - Public wells & assesses vulnerability of water systems to contamination.
    - **Enforcement**
      - Enforces SDWA regulations – Notices of violation & legal action

DNR Regional Offices

Northern Region
810 W. Maple Street
Spooner, WI 54801
(715) 635-2101

or

107 Sutliff Avenue
Rhinelander, WI 54501
(715) 365-8900

South Central Region
3911 Fish Hatchery Rd.
Fitchburg, WI 53711
(608) 275-3266

West Central Region
1300 W. Clairemont
PO Box 4001
Eau Claire, WI
54702-4001
(715) 839-3700

Southeast Region
2300 N. Dr. Martin
Luther King, Jr. Drive
Milwaukee, WI 53212
(414) 263-8500

Northeast Region
2984 Shawano Avenue
P.O. Box 10448
Green Bay, WI
54307-0448
(920)662-5100

Central Office
101 S. Webster,
P.O. Box 7921
Madison, WI
53707-7921
(608) 266-0821

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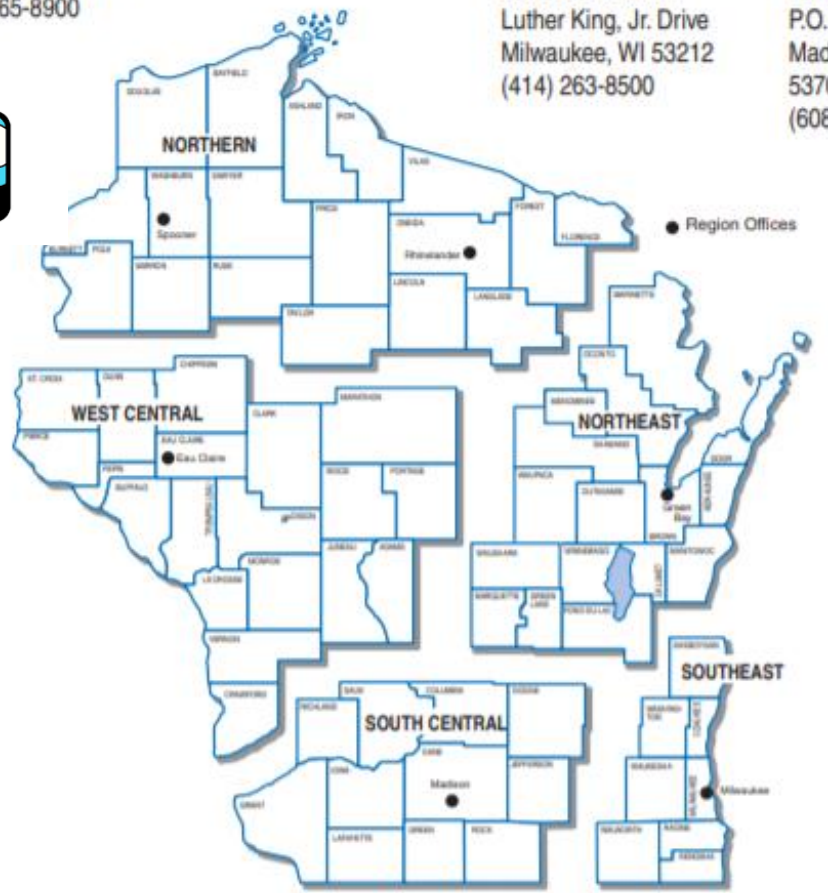

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WI - SDWA Background

- Types of Public Water Systems:
  - **Community**
    1. Municipal Water System (MC)
       - ≥25 of year-round residents or ≥15 service connections.
       - Example: Cities, Towns, Villages
    2. Other-Than-Municipal Water System (OTM)
       - ≥25 of year-round residents or ≥15 service connections.
       - Owned by entity that is NOT municipality
       - Example: Mobile Home Parks, Apartments, Condominiums
  - **Noncommunity**
    3. Non-Transient Non-Community Water Systems (NTNC)
       - ≥25 of the same people for at least 6 months of the year.
       - Example: Schools, Daycare, Factories, Office Buildings
    4. Transient Non-Community Water System (TN)
       - ≥25 people, not the same people, for at least 60 days of the year.
       - Example: Motels, Gas Stations, Campgrounds, Restaurants

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SDWA In WI Schools & Childcare Facilities

- Non-Transient Non-Community Water Systems
  - Required to have Certified Operator
    - May be an employee or a hired contractor.
    - Certificate issued by Wis. DNR.
      - High School Diploma or GE
      - Score of at least 75% on certification exam
      - Continuing education training & cert. renewal every 3 years.
    - Notify the DNR of change of Certified Operator.
- Approx. 98,000 public schools & 500,000 childcare facilities not regulated under the SDWA in the US.
  - Drinking water testing is completed by the municipality or water system.
  - May or may not conduct voluntary drinking water testing.

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Sampling Requirements for NTNC Wisconsin Schools

- The DNR will determine the sampling schedule for the calendar year.
- DNR's vulnerability assessment may determine the contaminates to be monitored:
  - System type
  - Population served
  - Type of Source water
  - Location:
    - Example: Near a gas-station – VOCs
    - Example: Near a farm or golf course – Nitrates

Sampling Requirements for NTNC Wisconsin Schools

- DNR's vulnerability assessment may determine the sampling frequency:
  - Characteristics of each contaminant
  - Risk to human health.
  - NR 809 SDWA specifies how often you need to test each contaminant.
  - Past results:
    - Example: History of good lead/copper results reduces frequency to every 3 years.
    - Example: Increasing nitrate results may result in quarterly sampling

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Sampling Requirements for NTNC Wisconsin Schools

General Sample Monitoring Schedule for OTM and Nontransient Non Community systems

Contaminant	Minimum Monitoring Frequency
Acute Contaminants	Immediate risk to human health
Bacteria	Monthly or quarterly, depending on system size and type
Nitrate	Annually
Protozoa and Viruses	Future requirements for the Groundwater Rule may require monitoring and testing.
Chronic Contaminants	Long-term health effects if consumed at certain levels for extended periods of time
Volatile Organics (e.g., benzene)	Ground water systems: quarterly for the first year, annually for years 2 and 3, after that depending on results; surface water systems: annually
Synthetic Organics (e.g., pesticides)	Larger systems, twice in 3 years; smaller systems, once in 3 years
Inorganics/Metals	Ground water systems, once every 3 years; surface water systems, annually
Lead and Copper	Annually
Radionuclides	Once every 4 years

* General requirements may differ slightly based on the size or type of drinking water system.

Source: EPA OGWDW web site

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Sampling Requirements for NTNC Wisconsin Schools

Maximum Contaminant Levels for Drinking Water Contaminants—Inorganic Contaminants

Inorganic Compound	MCL (mg/L)
Regulated Inorganic Compounds	
Asbestos	7XlO' fibers/L
Arsenic	*0.05*
Barium	2
Cadmium	*0.005*
Antimony	0.006
Beryllium	0.004
Chromium	0.1
Fluoride	4.0
Mercury	0.002
Nickel	0.1
Nitrate	10
Nitrite	1
Total Nitrate & Nitrite	10
Selenium	*0.05*
Cyanide	0.2
Thallium	0.002
Unregulated Inorganic Compounds	
Sulfate	

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Sampling Requirements for NTNC Wisconsin Schools

Volatile Organic Contaminants

Regulated VOCs	MCL (ug/L)
Benzene1	5
Vinyl Chloride1	0.2
Carbon Tetrachloride1	5
1,2-Dichloroethane1	5
Trichloroethylene1	5
1,1-Dichloroethlyene	7
1,1,1-Trichloroethane	200
p-Dichlorobenzene	75
o-Dichlorobenzene	600
1,2-Dichloroethylene,cis	70
1,2-Dichloroethylene,trans	100
1,2-Dichloropropane1	100
Ethylbenzene	700
Monochlorobenzene	100
Styrene	100
Tetrachloroethylene1	5
Toluene	1,000
Xylenes (Total)	10,000
Dichloromethane	5
1,2,4 Trichlorobenzene	70
1,1,2 Trichloroethane	5

Unregulated VOCs
1,1-Dichloroethane
1,1-Dichloropropene
1,1,1,2-Tetrachloroethane
1,1,2,2-Tetrachloroethane
1,2,3-Trichloropropane
1,3-Dichloropropane
1,3-Dichloropropene
2,2-Dichloropropane
Bromobenzene
Bromodichloromethane
Bromoform
Bromomethane
Chlorodibromomethane
Chloromethane
Chloroform
Chloromethane
Dibromomethane
m-Dichlorobenzene
o-Chlorotoluene
p-Chlorotoluene

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Sampling Requirements for NTNC Wisconsin Schools

Synthetic Organic Contaminants

Regulated SOCs	MCL (ug/L)
Alachlor	2
Atrazine	3
Carbofuran	40
Chlordane[1]	2
Dalapon	200
Dibromochloropropane	0.2
Dinoseb	7
Endrin	2
Ethylene Dibromide[1]	0.05
Heptachlor	0.4
Heptachlor Epoxide[1]	0.2
Hexachlorobenzene	1
Lindane	0.2
Methoxychlor	40
PCBs[1]	0.5
Pentachlorophenol	1
Picloram	500
Simazine	4
Toxaphene[1]	3
2,4-D	70
2,4,5-TP	50
Oxamyl	200
Diquat	20
Endothall[1]	100
Glyphosate	700
Benzo(a)pyrene[1]	0.2
Di(2-ethylhexyl)adipate	400
Di(2-ethylhexyl)phtalate	6
Hexachlorocyclopentadiene	50
Dioxin[1] (2,3,7,8TCDD)	0.00003

[1] These compounds have a MCLG < MCL

[2] Systems with < 500 people will monitor these contaminants in the 1996-1998 compliance period unless waived.

Unregulated SOC
Aldrin
Aldicarb
Aldicarb Sulfoxide
Aldicarb Sulfone
Butachlor
Carbatyl
Dicamba
Dieldrin
3-Hydroxycarbofuran
Methomyl
Metolachlor
Metribuzin
Propachlor

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Sampling Requirements for NTNC Wisconsin Schools

Sample Locations

- DNR assessment will determine approved sample locations.
- Sample location will depend on contaminate
  - Raw or Pre-Treatment Samples
    - Located where the water enters the building before any treatment system (if present).
    - Examples: Raw Bacteria – Total Coliform, Inorganics Raw
  - Entry Point Samples
    - Located where the water enters the building after any treatment system (if present).
    - Examples: Inorganics, SOCs, VOCs
  - Distribution Samples
    - Located in approved rooms throughout the building
    - Examples: Bacteria – Total Coliform, Disinfection Byproducts, Lead & Copper

Sampling Requirements for NTNC Wisconsin Schools

Public Notification

- When Maximum Contaminate Level (MCL) exceeded:
  - Notify the public of the condition.
    - Contaminant found & its level
    - Health effects of exposure
    - Measures being taken to alleviate the problem
    - Name & telephone number of person who can provide more info.
  - Notice must be posed at all drinking water outlets
  - Type of notification will depend on:
    - Severity of the contamination
    - Type of population being served
    - Urgency of the situation

Example of Public Water System Information

Final Monitoring Schedule for 2020

PWS Type	Non-transient, non-community	**PWS Status**	Active
Deactivation Date		**Non-transient Population**	450
Region	Southeast Region	**Transient Population**	30
County	Racine	**% Surface Water**	
Address		**% Ground Water**	100
City		**% Purchased Surface Water**	
Zip Code		**% Purchased Ground Water**	
Service Connects		**Storage Capacity**	
Water Meters		**Service Types**	School
Season Begins		**Most Recent Sanitary Survey**	1/10/2020
Season Ends		**Provides water to another system**	No
Pressurization		**Receives water from another system**	No

- Contacts
- PWS Active Dates
- Inspections
- Other Reviews
- Entry Points and Water Sources
- Bacteriological Samples
- Lead/Copper Samples
- Fluoride Samples
- Other Chemical Samples
- Sampling Requirements
- Public Notice Requirements
- Assessment Requirements
- Other Requirements (CCR, Lead/Copper Exceedance Followup, etc.)

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www.dnr.wi.gov/dwsviewer

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Example of Sampling Requirements for NTNC Wisconsin School

Sampling Requirements

Show 25 entries Filter:

Sample Group	Source ID	Type	Status	# Required	# of Locations	Start Date	End Date	Print Sampling Form
Coliform Bacteria	(none)	Distribution	NEW	1	1	10/01/2020	12/31/2020	Print Sampling Form
Coliform Bacteria	1	Raw Water / Well	ISSUED	1	1	10/01/2020	12/31/2020	Print Sampling Form
Inorganics	1	Compliance	ISSUED	1	1	10/01/2020	12/31/2020	Print Sampling Form
Coliform Bacteria	(none)	Distribution	NEW	1	1	07/01/2020	09/30/2020	Print Sampling Form
Coliform Bacteria	1	Raw Water / Well	ISSUED	1	1	07/01/2020	09/30/2020	Print Sampling Form
Inorganics	1	Compliance	ISSUED	1	1	07/01/2020	09/30/2020	Print Sampling Form
Lead and copper	(none)	Compliance	ISSUED	1	5	06/01/2020	09/30/2020	Print Sampling Form
Inorganics	1	Raw Water	ISSUED	1	1	01/01/2020	09/30/2020	Print Sampling Form
Nitrate	1	Compliance	ISSUED	1	1	01/01/2020	09/30/2020	Print Sampling Form
Coliform Bacteria	1	Raw Water / Well	ISSUED	1	1	04/01/2020	06/30/2020	Print Sampling Form
Coliform Bacteria	(none)	Distribution	ISSUED	1	1	04/01/2020	06/30/2020	Print Sampling Form
Inorganics	1	Compliance	ISSUED	1	1	04/01/2020	06/30/2020	Print Sampling Form
Coliform Bacteria	(none)	Distribution	COMPLETE	1	1	01/01/2020	03/31/2020	Print Sampling Form
Coliform Bacteria	1	Raw Water / Well	COMPLETE	1	1	01/01/2020	03/31/2020	Print Sampling Form
Inorganics	1	Compliance	COMPLETE	1	1	01/01/2020	03/31/2020	Print Sampling Form
Coliform Bacteria	(none)	Distribution	COMPLETE	1	1	10/01/2019	12/31/2019	Print Sampling Form
Coliform Bacteria	1	Raw Water / Well	COMPLETE	1	1	10/01/2019	12/31/2019	Print Sampling Form
rganics	1	Compliance	COMPLETE	1	1	10/01/2019	12/31/2019	Print Sampling Form

www.dnr.wi.gov/dwsviewer

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Proposed Legislation – Lead in water Amendment 2, to Assembly Bill 797-DEAD

Testing Requirements for Schools-***Currently dead***

- Identify all "Drinking Water Sources"
  - Does NOT apply to school buildings which:
    - Pupils are not regularly present
    - Not used to prepare food or water for pupil consumption
- Test all drinking water sources every 5 years
- Within 30 days of receiving results:
  - Make sample results available to public
  - Provide results to the department

- **If results show two consecutive tests under 5 ppb:**
  - Not required to conduct additional tests of that drinking water source.

Proposed Legislation – Lead in water
Amendment 2, to Assembly Bill 797-DEAD

<u>If results show lead contamination:</u>

- Immediately disconnect, shut-off or eliminate access to water from the drinking source.
- Within 6 months:
  - Develop & submit a remediation plan
- Within 30 days after submitting remediation plan:
  - Make plan available to public
- May reconnect drinking water source after:
  - Remediate lead contamination per remediation plan
  - Conduct test
  - Receive rest results that show not lead contamination
  - Within 30 days:
    - Make results available to public
    - Provide results to the department

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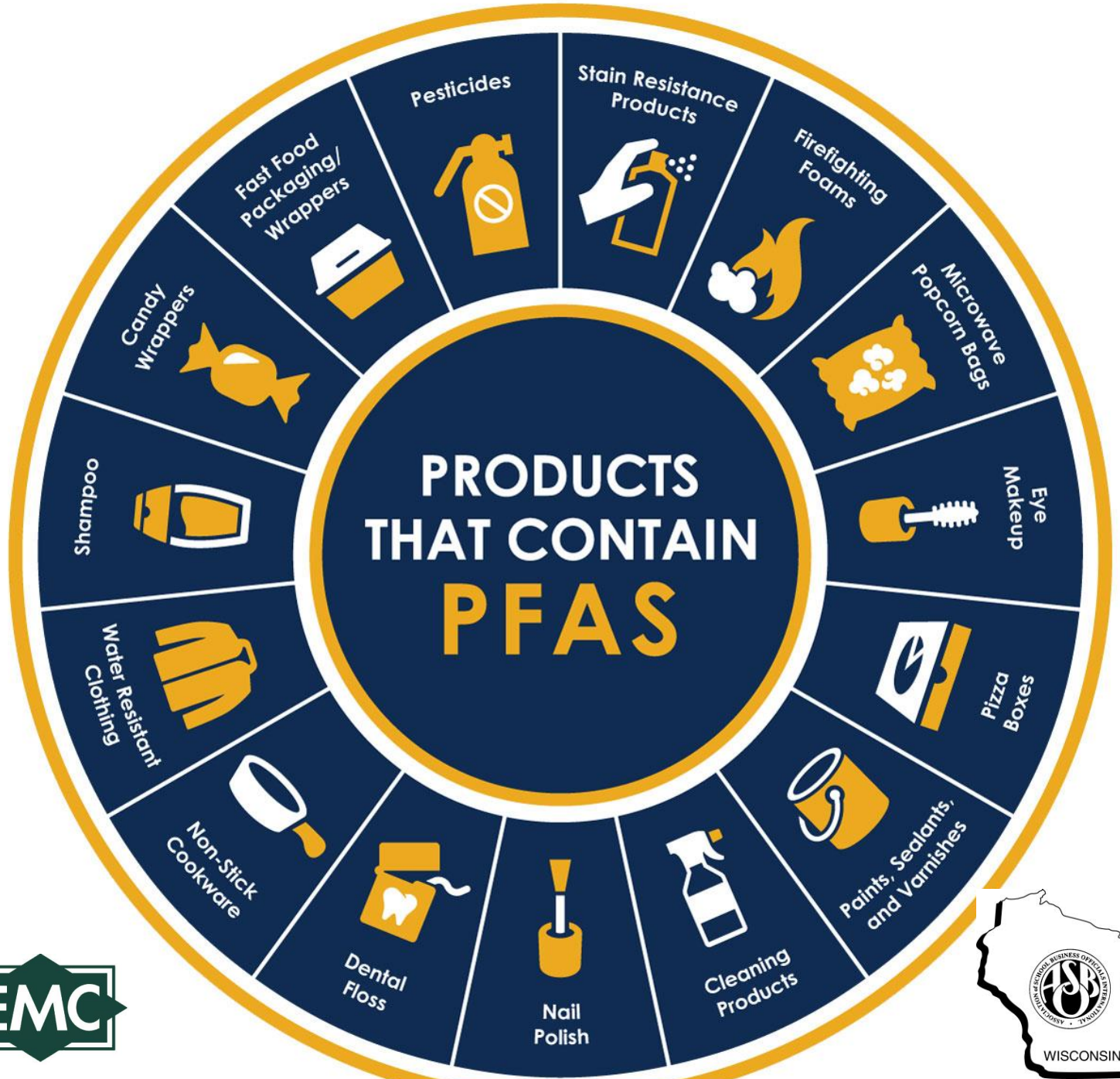
Per-and Polyfluoroalkyl Substances

- Large group of manmade chemicals that have been created and used in countless manufactured products since the 1940s
- By 2023, thousands of PFA variations have been created and widely distributed because of their unique and useful properties
  - Water resistant
  - Grease resistant
  - Long lasting



More Examples

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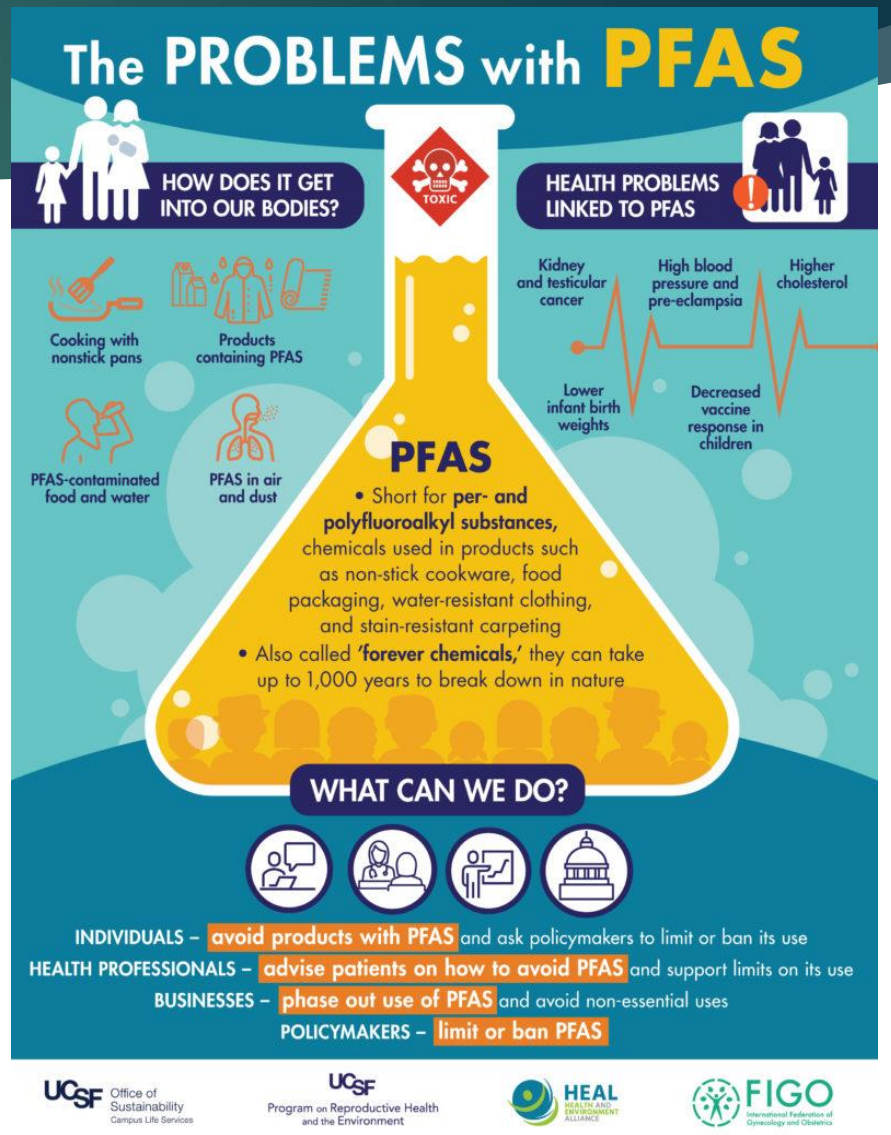
The Problem With PFAS

- Make their way into our soil and waterways and do not break down naturally in the environment
  - Fire Training/Fire Response Sites
  - Industrial and Manufacturing Sites
  - Landfills
  - Wastewater Treatment Plants
- This means humans and animals are continuing to consume these chemicals.
  - Dangerous to human health



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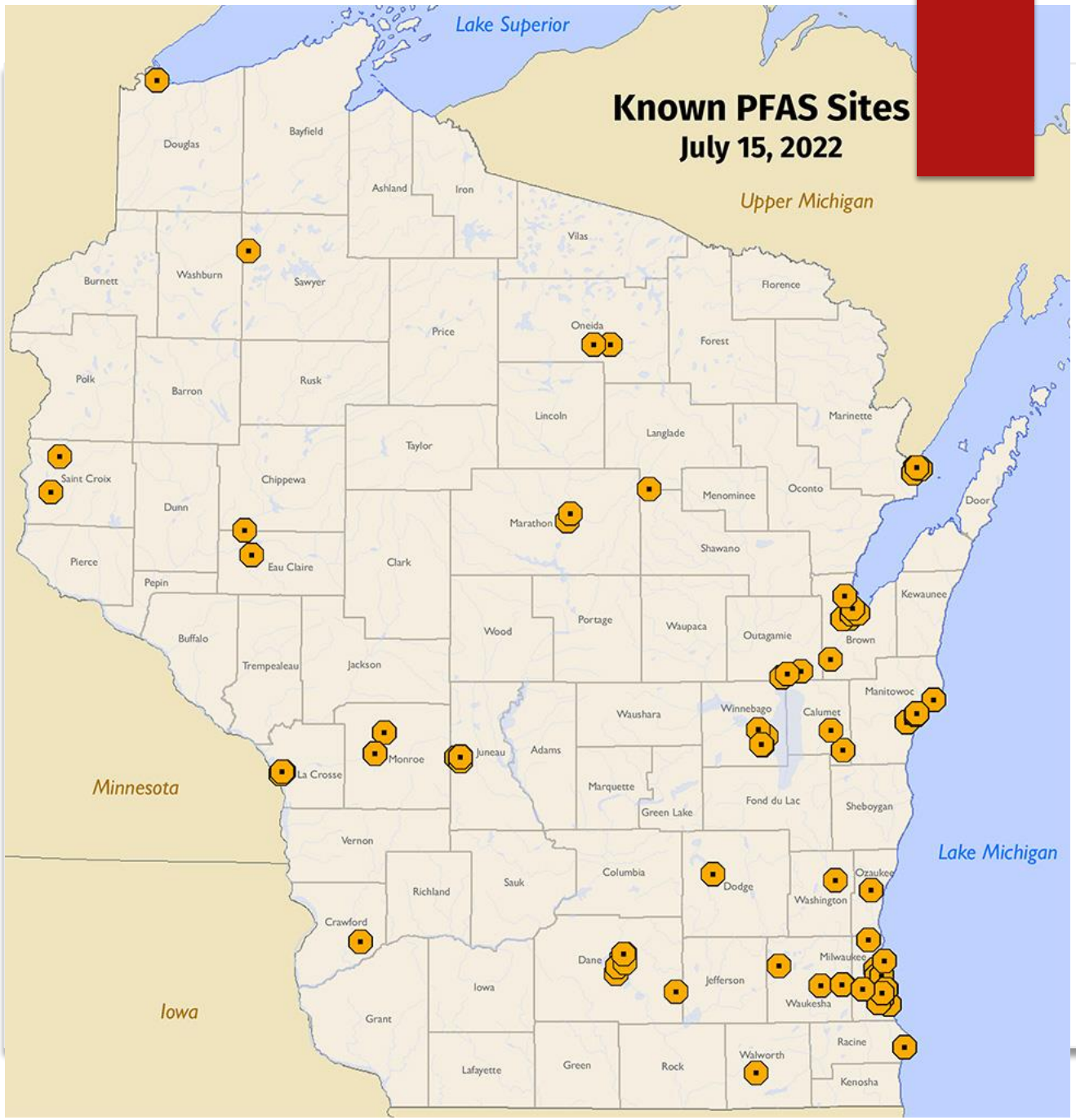
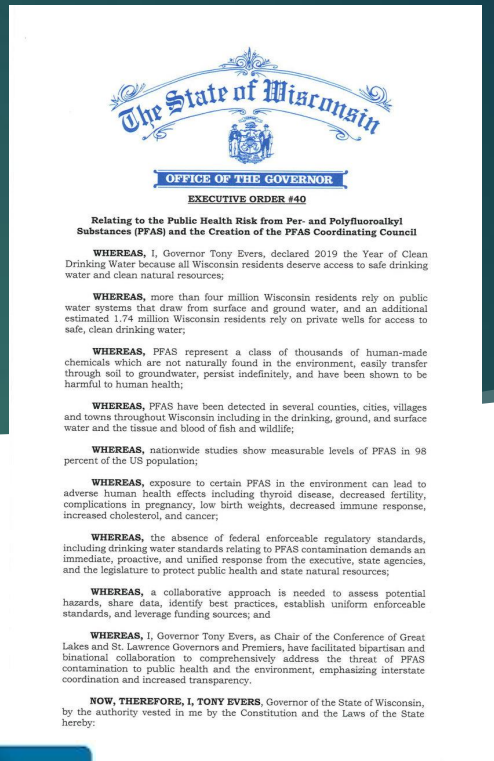
PFAS in Wisconsin

- PFAS compounds meet the definitions of a hazardous substance and/or environmental pollution
  - Under state statues (s. 292.01, Wis. Stats.
- Discharges of PFAS to the environment are subject to regulation
  - Under ch. 292, Wis. Stats., and chs. NR 700-754, Wis. Adm. Code.



Ongoing Legislation

- August 2019:
  - Gov. Evers signs Executive Order #40
    - To address the issue of PFAS in Wisconsin
- Executive Order #40 directed the DNR to create the Wisconsin PFAS Action Council
  - Know as WisPAC
- December 2020:
  - WisPAC releases PFA Action Plan



The State of Wisconsin

OFFICE OF THE GOVERNOR

EXECUTIVE ORDER #40

Relating to the Public Health Risk from Per- and Polyfluoroalkyl Substances (PFAS) and the Creation of the PFAS Coordinating Council

WHEREAS, I, Governor Tony Evers, declared 2019 the Year of Clean Drinking Water because all Wisconsin residents deserve access to safe drinking water and clean natural resources;

WHEREAS, more than four million Wisconsin residents rely on public water systems that draw from surface and ground water, and an additional estimated 1.74 million Wisconsin residents rely on private wells for access to safe, clean drinking water;

WHEREAS, PFAS represent a class of thousands of human-made chemicals which are not naturally found in the environment, easily transfer through soil to groundwater, persist indefinitely, and have been shown to be harmful to human health;

WHEREAS, PFAS have been detected in several counties, cities, villages and towns throughout Wisconsin including in the drinking, ground, and surface water and the tissue and blood of fish and wildlife;

WHEREAS, nationwide studies show measurable levels of PFAS in 98 percent of the US population;

WHEREAS, exposure to certain PFAS in the environment can lead to adverse human health effects including thyroid disease, decreased fertility, complications in pregnancy, low birth weights, decreased immune response, increased cholesterol, and cancer;

WHEREAS, the absence of federal enforceable regulatory standards, including drinking water standards relating to PFAS contamination demands an immediate, proactive, and unified response from the executive, state agencies, and the legislature to protect public health and state natural resources;

WHEREAS, a collaborative approach is needed to assess potential hazards, share data, identify best practices, establish uniform enforceable standards, and leverage funding sources; and

WHEREAS, I, Governor Tony Evers, as Chair of the Conference of Great Lakes and St. Lawrence Governors and Premiers, have facilitated bipartisan and binational collaboration to comprehensively address the threat of PFAS contamination to public health and the environment, emphasizing interstate coordination and increased transparency.

NOW, THEREFORE, I, TONY EVERS, Governor of the State of Wisconsin, by the authority vested in me by the Constitution and the Laws of the State hereby:

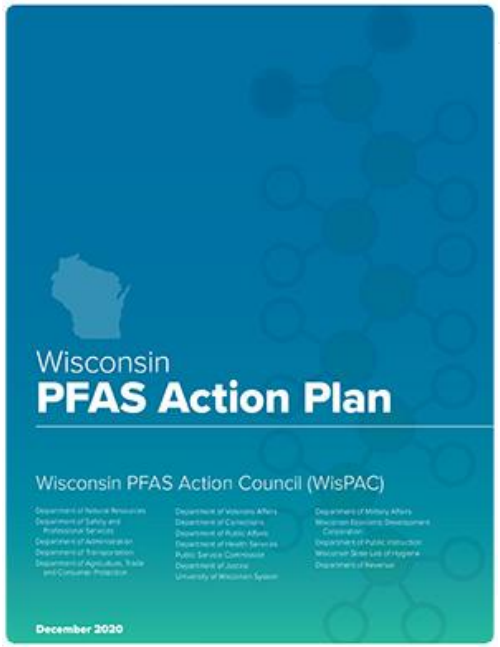
1. Order the Department of Natural Resources, in coordination with the Department of Health Services and the Department of Agriculture, Trade, and Consumer Protection, to:
   a. Establish a public information website to properly inform the public on the matter of PFAS and the risk these chemicals pose to public health and Wisconsin's natural resources.
   b. Collaborate with municipalities and wastewater treatment plants on screening programs to identify potential sources of PFAS into the environment.
   c. Expand monitoring and consideration of PFAS in the development of fish and other wildlife consumption advisories to protect human health.
   d. Develop regulatory standards to protect public health and the environment from PFAS contamination.
   e. Modify the Voluntary Party Liability Exemption law, which provides future liability exemptions after successful completion of hazardous substance cleanup, to protect Wisconsin taxpayers from uncertain and costly liability associated with PFAS.
   f. Assess opportunities for using natural resources damages claims under state or federal law to address compensation for PFAS impacts to natural resources.
2. Create the PFAS Coordinating Council, pursuant to Section 14.019 of the Wisconsin Statutes. The Council shall be staffed by the Department of Natural Resources, with assistance provided by other agencies. Membership of the Council shall include a representative from each agency seeking to participate. The Secretary of the Department of Natural Resources or the Secretary's designee shall serve as chair of the Council and may select additional members. The Council shall do the following:
   a. Develop a multi-agency PFAS action plan for the State of Wisconsin.
   b. Develop protocols to effectively inform, educate, and engage the public about PFAS.
   c. Identify and prioritize likely known PFAS sources and incorporate this information into the PFAS action plan.
   d. Evaluate the public health risks of PFAS in addition to any impacts to Wisconsin's natural resources, agriculture, wildlife, and fisheries.
   e. Develop best practices and protocols for identifying PFAS sources to ensure that the materials are managed in a way that protects natural resources and human health.
   f. In partnership with stakeholders, develop standard testing and treatment protocols that are both cost-efficient and effective.
   g. Engage academic institutions and experts to identify and collaborate on joint projects, and further identify technical resources necessary to implement a PFAS action plan.
   h. Explore avenues of funding for the state, local governments, and private parties to aid their effort to address PFAS.

IN TESTIMONY WHEREOF, I have hereunto set my hand and caused the Great seal of the State of Wisconsin to be affixed. Done at the Capitol in the City of Madison this twenty-second day of August in the year of two thousand nineteen.

TONY EVERS
Governor

By the Governor:

DOUGLAS LA FOLLETTE
Secretary of State



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TONY EVERS
Governor

By the Governor:

DOUGLAS LA FOLLETTE
Secretary of State

PFAS Action Plan

- Developed by the WisPAC with help from a group of nearly 20 state agencies and the University of Wisconsin System
- Designed as a blueprint to guide the state in its efforts to address PFAS contamination.
- In total, there are 25 action items laid out in the plan
- Action items are categorized into eight themes:

  - Standard setting
  - **Sampling**
  - Pollution prevention
  - Education and communication
  - Research and knowledge
  - Phase-out
  - Future investments
  - Historic discharges.

PFAS in Schools: Sampling

- Action Item 2.4 : Test Public Water Systems
  - WisPAC recommends that the state conduct statewide drinking water testing.
    - Following suit with testing initiatives by Illinois, Indiana, Michigan, Minnesota, and Ohio
- August 2022:
  - Safe drinking water code ch. NR 809 Wis. Adm. Code revised to include standards for two compounds in the perfluoroalkyl and polyfluoroalkyl substances group
  - Will require DNR monitored wells to submit PFA samples, to certified labs.
    - Starting 2nd Quarter of 2023 (July 2023)

Sampling Details

- Sample Cost:
  - $500-$700 Per Sample Set
    - Analyzed by state certified lab

- NN systems (schools) serving a population of 300 to 9,999:
  - Monitoring begins on April 1, 2023 – June 30, 2023.
    - PFA Samples Q2, Q3 & Q4
- NN systems (schools) serving a population of 50 to 299:
  - Monitoring begins on July 1, 2023 – Sep. 30, 2023.
    - PFA Samples Q3 & Q4
- NN systems (schools) serving a population of less than 50:
  - Monitoring begins on Oct. 1, 2023 – Dec. 31, 2023.
    - PFA Sample Q4

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Sampling Details

- Revision to NR 809 includes standards for perfluorooctanoic acid (PFOA) and perfluorooctane sulfonic acid (PFOS)
  - These are the only 2 PFAS with sampling requirements so far
- Maximum Contaminant Levels (MCL)
  - Set at **70 parts per trillion** (ppt) for each contaminant **individually or combined**
- If Compliance Samples Exceed MCL:
  - DNR will require public water systems to issue a Tier 2 public notice per Wis. Admin. Code §§ NR 809.950(3)(c)5. and NR 809.950(4).

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EMC's Take…

- DON'T PANIC
- Nothing is finalized.
  - Lead Rule is Dead
  - Sampling requirements and protocols will become more refined
  - Difficult to assess based on few remedial technologies available
  - Prepare for sampling if you have an NTNC well.