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Department of Utilities  
Appleton Water Facility  
2006 E Newberry Street  
Appleton, WI 54915  
920-832-5945 tel.  
920-832-5949 fax

**TO:** Chairperson Joe Martin and Members of the Utilities Committee

**FROM:** Michael C. Suha – Technical Services Manager

**DATE:** September 16, 2013

**RE:** *Invalidation of Disinfection By-Products Samples and Tier III Notice*

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**Background:**

The City of Appleton must notify water customers if there is a violation of Environmental Protection Agency (EPA) or State of Wisconsin drinking water regulations (including monitoring requirements) or otherwise provide drinking water that may pose a risk to the consumer's health. The Appleton Water Treatment Facility tests regularly for approximately 90 contaminants to make sure that no contaminant is present at levels which may pose a risk to human health. NR 809.565 sets requirements for the monitoring of by-products of drinking water disinfection. These State code requirements recently went through a revision in 2010 to comply with EPA federal laws.

**Commercial Laboratory Equipment Failure**

Disinfection by-product samples collected in conjunction with the wholesale water customers for the third quarter of 2013 were submitted to the commercial laboratory within the State specified timeframe. An equipment issue at the commercial laboratory rendered the samples invalid. Appleton and its wholesale water customers were notified of the equipment failure, after the sampling dates had expired. The samples were invalidated per State of Wisconsin drinking regulations, thus no sample results are available for the quarter.

Discussions were held with State regulators, the commercial laboratory and wholesale water customers to resolve the conflict created by the invalidated samples. To date, the commercial laboratory has taken responsibility for the equipment failure and notifying issues.

Samples were re-collected, but outside of the State of Wisconsin monitoring window. The State of Wisconsin regulators explained that opening a new monitoring window would cause too significant of a change in sample times, and violate the EPA rules. Unfortunately, the parameters for sampling are set by the EPA and State regulators aren't allowed much flexibility, thus leading to a Tier 3 public notice.

### **Tier III Public Notice**

Tier III Public Notice - Regulatory requirement when water systems violate a drinking water standard that does not have a direct impact on human health (e.g., failing to take a required sample on time). The public water supplier has up to one year to provide a notice of the occurrence to customers. The extended schedule time gives water suppliers the opportunity to consolidate these notices and send them with Annual Water Quality Reports (i.e., Consumer Confidence Reports). The Appleton Water Treatment Facility will be providing a Tier III notice in the 2013 Consumer Confidence Report (CCR).

If you would like additional information please contact me at ph: 832-2356.