



Proposed Public Water System Rule

Chapter-by-chapter discussion and analysis prepared for the Teton District Board of Health, Teton County Board of County Commissioners and the Teton District Board of Health Nitrate Subcommittee.

Proposed rule language appears in shaded boxes

Chapter 1

GOALS

Public water systems operating in Teton County shall provide a reliable and secure source of clean and safe drinking water to their customers by addressing increasing nitrate concentrations at the earliest possible time before levels reach 10 mg/L thereby triggering intervention by the U.S. Environmental Protection Agency.

DISCUSSION OF CHAPTER 1 - GOALS

Why is this rule being proposed?

Simply put, the rule is being proposed to “Prevent Future Hobacks.” The absence of a regulation such as the one being proposed was a key factor in the failure¹ of all three public water systems serving the Hoback Junction area.² High nitrate levels also exist in an unknown but likely substantial number of private wells in the Hoback area.³ The lack of a regulatory response when the nitrate problem first became apparent over a decade ago ultimately led to violations of the EPA’s maximum contaminant level (MCL) of 10 mg/L for nitrate at three EPA-registered public water systems in the area.⁴ Although Federal, state and local agencies were

¹ As used herein, a “failure” of a public water system means that nitrate concentrations in the groundwater utilized by the public water system exceed the EPA’s maximum contaminant level (MCL) of 10 mg/L.

² According to the U.S. EPA, “[a] public water system provides water for human consumption through pipes or other constructed conveyances to at least 15 service connections or serves an average of at least 25 people for at least 60 days a year. A public water system may be publicly or privately owned.” See <https://www.epa.gov/dwreginfo/information-about-public-water-systems>

³ Wyoming does not require the testing of water wells after the initial construction. Although the Wyoming Health Department’s Small Water Supply rule requires private wells to be tested when property is conveyed, this rule appears to be unknown to the real estate sector as well as to buyers and sellers of real property.

⁴ The three public water systems are the Hoback Market, Hoback RV Park, and J-W Subdivision, all of which are required by EPA to treat the water to reduce nitrate levels to below the MCL.

aware of increasing nitrate concentrations in Hoback groundwater for well over a decade, no meaningful action was taken to address the problem until EPA intervention was triggered by federal regulations implementing the Safe Drinking Water Act.

The Wyoming Water Development Commission estimated in a March 2006 Phase 1 study that construction of a new public water supply system to serve the Hoback area will cost tens of millions of dollars. Now, over a decade later, the estimated costs are likely much higher. http://library.wrds.uwyo.edu/wwdcrept/Hoback_Junction/Hoback_Junction-Water_Supply_Study_Level_I-Executive_Summary-2006.pdf

In order to qualify for grants and low interest loans needed to pay for the construction of an alternate source of drinking water, the creation of a water district has been proposed, but that effort has stalled and its future is uncertain. Absent the creation of a water district, the county currently has no “Plan B” to fall back on, leaving the residents of the Hoback area without a clean, safe and reliable source of drinking water.

It should also be noted that a new water supply system, if constructed, would not address existing groundwater contamination nor costs associated with construction and management of alternative (e.g., centralized) wastewater management solutions. Nitrate levels above 10 mg/L in Hoback-area groundwater also violate Wyoming DEQ groundwater quality standards for domestic use.⁵ The county’s continued permitting of septic systems that emit nitrates into groundwater raise questions about the legality of that practice.

Using data supplied by public water systems, the Teton Conservation District has identified a number of other nitrate “hot spots” in our county.⁶ These areas include mobile home parks, residential areas, and commercial locations. **If preventative action is not taken, the prospect of other “Hobacks” will continue to increase, leading to more groundwater contamination, greater health risks to our residents, and increased costs to our community.**

Chapter 2

PURPOSE OF REGULATIONS

The purpose of these regulations is to enhance protection for public water systems operating in Teton County to ensure the health, safety and welfare of the consumers of the water those systems provide.

DISCUSSION OF CHAPTER 2 - PURPOSE

What is the purpose of the proposed rule?

As stated in Chapter 2, the purpose of this new rule is to enhance protections for public water systems in Teton County needed to ensure the health, safety and welfare of Teton County residents and visitors to our valley. The rule will also help protect private wells by providing advance notice to well owners when nitrate concentrations in nearby public water systems

⁵ See Wyoming Department of Environmental Quality Water Quality Rules and Regulations, Chapter 8 – Quality Standards for Wyoming Groundwaters, Section 4(c) (“A discharge or activity that impacts an underground source of water for existing uses identified in W.S. 35-11-102 and 103(c)(1) shall not make the affected water unsuitable for its intended use or uses, at any place or places of withdrawal or natural flow to the surface.”)

⁶ See presentation by Carlin Girard of the Teton Conservation District to the Teton County Board of County Commissioners on June 8, 2020.

exceed 3 mg/L, the concentration widely accepted as an indication of human contamination.⁷ Early notice of increasing nitrate concentrations before they reach 10 mg/L (the level that triggers EPA intervention under the Safe Drinking Water Act) will provide well owners and water system operators greater latitude to address the problem without federal involvement. For example, failed septic systems located in the vicinity of public water systems could be replaced with advanced wastewater treatment systems to reduce the quantity of nitrates entering groundwater. And well owners might decide to install water treatment to reduce the ingestion of septic tank leachate which is all but certain in locations with a high density of small lots supporting both septic systems and drinking water wells.

Chapter 3

DEFINITIONS

The following terms used in these definitions shall be defined as follows:

“MG/L” means milligram per liter.

“PUBLIC WATER SYSTEM” means a public water system permitted by the U.S. Environmental Protection Agency and operating in Teton County, Wyoming.

DISCUSSION OF CHAPTER 3 - DEFINITIONS

Will typos be corrected in subsequent versions of the rule?

Yes. For example, milligrams per liter will be expressed as mg/L. Other definitions, as deemed appropriate by the board, could easily be added.

Chapter 4

REGISTRATION OF PUBLIC WATER SYSTEMS

1. Every public water system must, within 30 days of publication of this rule with the county clerk’s office, register with the Teton County Health Department. Registration of such systems shall be accomplished in a manner prescribed by the public health department and shall at a minimum include the information the public water system provides to the U.S. EPA.

DISCUSSION OF CHAPTER 4 – REGISTRATION OF PUBLIC WATER SYSTEMS

Why is registration with the county health department required? Public water systems are already required to register with the U.S. EPA.

For the county to monitor and enhance water quality as called for in our Comprehensive Plan and to protect public health, the county needs ready access to basic information about our public water systems. For example, the county should know the precise location of every public

⁷ See U.S. EPA - Estimated Nitrate Concentrations in Groundwater Used for Drinking, available at: <https://www.epa.gov/nutrient-policy-data/estimated-nitrate-concentrations-groundwater-used-drinking> (“While nitrate does occur naturally in groundwater, concentrations greater than 3 mg/L generally indicate contamination (Madison and Brunett, 1985), and a more recent nationwide study found that concentrations over 1 mg/L nitrate indicate human activity (Dubrovsky *et al.* 2010)”).

water system within its jurisdiction, and have the names and contact information for those responsible for operating and maintaining the system readily accessible. The information requested by the rule is minimal, and since it is already provided to the EPA, should require little additional effort. And for the vast majority of PWS, registration with the county health department will be the only new requirement imposed by this rule.

**Chapter 5
PUBLIC DATABASE**

1. The public health department shall maintain a public database containing the registration information provided by the public water system.

DISCUSSION OF CHAPTER 5 – PUBLIC DATABASE

Why does the proposed rule require a public database?

Teton County residents shouldn't have to navigate the labyrinth of EPA databases to find basic information about their drinking water. If a water consumer notices a problem, she should be able to pick up the phone and contact the person responsible for addressing it, just as she would if her power or internet went down. Consumers should also be able to easily find out how clean the water is at their children's school or daycare, their place of work, or their neighborhood overall.

Note that the EPA's public water system database does not identify or contain any information about potential threats to the groundwater serving Teton County's public water systems, such as the presence of small wastewater facilities (permitted by the county and which now number over 3,600), or large capacity wastewater treatment systems (approximately 48 systems are permitted by WDEQ) in the source water areas. If created, this new county database could eventually be expanded to include location information for septic systems and other permitted facilities that have the potential to introduce nitrates into groundwater, creating a useful tool for regulatory agencies, developers, and the public.

If there is a lesson to be learned from the unfortunate situation playing out at Hoback, it is that we cannot rely on the EPA to protect our source water – that responsibility is ours and ours alone. Establishing a simple database of public water systems in Teton County is the first step in many that will be required to ensure protection of our drinking water supplies now and in the future.

**Chapter 6
REPORTING**

1. Any public water system detecting nitrate concentrations in a public water supply reaching or exceeding 3 mg/L shall within 24 hours of discovery notify the county health department. Test results and other information requested by the county health department shall be provided promptly, and in no case exceeding 24 hours from the time of the request.

DISCUSSION OF CHAPTER 6 - REPORTING

Why was the reporting threshold of 3 mg/L selected?

As noted in the cover letter for the proposed rule, the U.S. Environmental Protection Agency has concluded that nitrate concentrations at or above 3 mg/L are indicative of human

influence. Other more recent studies indicate that concentrations as low as 1 mg/L may suggest human influence. Establishing this limit will catch issues early, while only immediately affecting a dozen or so of the 114 public water systems in Teton County. As written, the proposed rule requires that test results obtained by the PWS be submitted to the county health department within 24 hours of detection. If a 24-hour reporting requirement is seen as overly burdensome, the reporting period could be extended to 48 hours or even 72 hours without undermining the purpose or effectiveness of the rule. An important part of the rulemaking effort will be to solicit comments from interested stakeholders, particularly the public water systems affected by the rule. Because there are no penalties for non-compliance, cooperation from the affected PWS will be essential.

Chapter 7

PUBLIC NOTICE

1. Upon receipt of information from the public water system indicating nitrate levels at or above 3 mg/L, the county health department shall within 24 hours of such receipt publish or cause to be published in a local newspaper of general circulation notice of such information.
2. The notice shall, at a minimum, include: a) a summary of known and suspected health risks from the ingestion of nitrate; and, b) a statement indicating that levels of 3 mg/L or above generally indicate contamination including the possible presence of septic system leachate in the drinking water provide by the public water system.
3. Written notice in a form requiring acknowledgement of receipt shall be provided directly to consumers of the water supplied by the public water system, if known, and posted in a conspicuous location at the place or establishment where the water is provided.
4. Written notice shall be provided to owners of private wells located within a 3-mile radius of the public water system. In addition to the information required above, the notice shall recommend well tests for nitrates, which shall be provided free of charge.
5. Well test data collected pursuant to Chapter 7, Section 4, above, shall be retained in a publicly accessible database maintained by the Health Department.

DISCUSSION OF CHAPTER 7 – PUBLIC NOTICE

Why is public notice required?

Public notice is a key provision of the proposed rule, and is intended to raise community awareness of the nitrate problem as well as to address a specific recommendation made by the Hoback Steering Committee.⁸

RECOMMENDATION #3 Drinking water issues that are identified within public drinking systems have the potential to also affect private drinking water systems. No formal mechanism exists to assure that private well owners are aware of the

⁸ The Hoback Steering Committee was comprised of the Teton County health department, public works, and Teton Conservation District.

problem. There is need for outreach to adjacent private well owners when public water systems fail.

The proposed rule takes a more conservative approach than the steering committee's recommendation, and requires that notice be provided to private well owners when nitrate concentrations reach 3 mg/L, well before a public water system fails. That is the fundamental intent of this rule: to proactively address nitrate contamination in groundwater in order to prevent future Hobacks. We can't afford to allow the county's other nitrate hotspots to deteriorate to the point where they become "the next Hoback."

Once the health department receives information from the PWS that high nitrates have been detected (required by Chapter 6), a number of notice requirements are triggered.

First, Paragraph 1 requires the health department to publish notice of high nitrate levels within 24 hours of receipt of this information from the PWS. Concerns have been raised that publication in a local newspaper within 24 hours of the receipt of this information from the PWS seems unworkable/unnecessary. If that is the consensus of the board, it could determine that a different timeframe (e.g., up to one week) is more appropriate and revise the draft rule accordingly.

Paragraph 2 specifies the *minimum* information that must be included in the notice. Additional information could be included at the discretion of the health department on a case by case basis.

Paragraph 3 requires that "written notice in a form requiring acknowledgement of receipt" (e.g., certified mail, return receipt requested) must be provided directly to the consumers of the water supplied by the PWS, if known, and posted in a conspicuous location at the place or establishment where the water is provided.

As drafted, this paragraph does not specify who would pay for the notice required by this chapter. The draft rule could be revised to make clear that the PWS is responsible for incurring the costs associated with this requirement.

This paragraph also requires that notice be posted at the PWS location. To understand why posting of notice at the PWS is warranted, it is necessary to understand the three types of public water systems regulated by the U.S. EPA.⁹ They are: 1) community water systems; 2) non-transient, non-community water systems; and 3) transient, non-community water systems. As defined by the EPA:

- Community Water System (CWS): A public water system that supplies water to the same population year-round.
- Non-Transient Non-Community Water System (NTNCWS): A public water system that regularly supplies water to at least 25 of the same people at least six months per year. Some examples are schools, factories, office buildings, and hospitals which have their own water systems.

⁹ More information about EPA's regulation of public water systems is available here: <https://www.epa.gov/dwreginfo/information-about-public-water-systems>

- Transient Non-Community Water System (TNCWS): A public water system that provides water in a place such as a gas station or campground where people do not remain for long periods of time.

The customers of a community PWS are easily identified: they are connected to the PWS and are billed for the cost of water services. Because the PWS has contact information for its customers on file, notice is easily accomplished. The draft rule contemplates that certified mail will be the method used most, but email could also suffice, provided it allows for “acknowledgement of receipt.” The acknowledgement requirement could be deleted if the board deemed it unnecessary.

The consumers of water from a non-community non-transient public water system are often not as easily identified. Lower Valley Energy operates such a system, and while the people who work in that office are known, the customers who come and go throughout the day and consume that water may not be. Thus, posting of written notice on the premises may be the best option for this category of PWS.

The consumers of water from a non-community, transient PWS, such as a gas station or mini-mart, generally are not known. Thus, posting of notice on the premises is the only feasible means of notification. However, given the lower risks associated with transient use of a water system (at least as far as nitrate is concerned) the health board may wish to consider whether posting of notice for this type of system is necessary.

Paragraph 4 requires that written notice be provided to landowners within a 3-mile radius of the public water systems that reported high nitrate levels.¹⁰ In addition to the information specified in paragraph 2, above, the notice must include a recommendation for a well test which, under the existing language, would be provided free of charge. The rule does not specify who would pay for the written notice to well owners, or the well test kits. Options include the public water system, the county, or a *pro rata* arrangement involving these or other entities. The board will need to discuss these issues and decide whether revisions to the rule are needed.

Questions have been raised regarding the rationale for selecting a 3-mile radius for notice. Unlike operators of public water systems, owners of private wells are not required to periodically test the quality of the water and therefore may not have any knowledge of nitrates (or other pollutants) in their well water. The notice required by this provision --think of this as an early warning system-- is intended to alert private well owners that they also may have a problem, particularly if their wells tap the same aquifer used by the PWS that reported high nitrates. Ideally, the notice would be provided to owners of wells located in groundwater protection zones 1 and 2, as defined by WDEQ, and as identified in source water assessments.¹¹ Unfortunately, since most public water systems in Teton County have not completed source water assessments, the notice is based on a fixed radius of 3 miles rather than a site-specific zone of influence. If the Board deems this method unworkable, or this radius excessive, alternative approaches can be considered.

As noted earlier, this provision would give effect to the Hoback Steering Committee’s recommendation #3 (“Drinking water issues that are identified within public drinking systems have the potential to also affect private drinking water systems. No formal mechanism

¹⁰ A radius of 3 miles was used as a substitute for the assumed groundwater zone of influence pending completion of source water assessments containing that information.

¹¹ For more information on wellhead protection, source water assessments, and source water protection plans, please visit the WDEQ’s website: <http://deq.wyoming.gov/wqd/source-water-wellhead/>

exists to ensure that private well owners are aware of the problem. There is need for outreach to adjacent private well owners when public water systems fail.”)

Due to the costs and labor involved in mailing written notice, we would encourage the board to consider creative alternatives to the customary notice approaches utilized by Teton County, such as social media platforms including Twitter and Facebook, as well as automated text and email messages.

Finally, Paragraph 5 requires the health department to maintain a publicly accessible database of well test data collected under this chapter. In order to protect the privacy of homeowners, personal identifying information would not be released, nor would precise location information unless approved in advance by the property owner.

Chapter 8 INVESTIGATION

1. Two consecutive monthly readings of nitrate concentrations, or three readings in any calendar year, exceeding 3 mg/L shall cause a prompt investigation by the health department and other departments of Teton County, as appropriate, of the public water system. The investigation shall at a minimum include a physical examination of the system including the wellhead(s), and the land area proximate to the system encompassing groundwater Zone 1 and Zone 2, as delineated by the Wyoming Department of Environmental Quality. Items to be inspected include, at a minimum, all obvious and known sources of nitrate pollution including but not limited to confined animal feeding areas, lawn and landscaping activities, and septic systems.

2. No later than 30 days after the conclusion of the investigation, all relevant details of the investigation, including findings and recommendations, shall be documented and made publicly available.

DISCUSSION OF CHAPTER 8 - INVESTIGATION

Who is involved in the investigation?

Chapter 8 requires an investigation by county officials of potential sources and causes of high nitrates reported by the public water system. As envisioned, the investigation would begin with a review of county records and permits and would focus on identifying permitted facilities and activities that have the potential to introduce nitrates into groundwater. On-site inspections of facilities and property would be coordinated with the landowner and facility operator, if different. The county health department would also coordinate with the county sanitarian, and other regulatory agencies, as appropriate. Recent examples of successful investigations involving multiple agencies include the Hoback RV Park, which led to the discovery of multiple significant violations of county and state environmental regulations. Following the investigation, a report documenting the finding and conclusions of the investigation would be produced within 30 days.

Chapter 9 REMEDIAL ACTION

1. Based on the findings and conclusions of the investigation, the public health officer shall undertake or cause to be undertaken remedial action which shall be directed at reducing nitrate levels in groundwater supplying the public water system. Such action may include ordering the

inspection, repair, replacement or decommissioning of septic systems believed to be causing or contributing to the presence of nitrate in the groundwater utilized by the public water system.

DISCUSSION OF CHAPTER 9 – REMEDIAL ACTION

Is remedial action required whenever elevated nitrates are reported by a PWS?

Chapter 9 requires that remedial must be “based on the findings and conclusions” of the investigation required by Chapter 8. Remedial action would be required only when recommended and supported by the investigative report. If the investigation found no obvious sources or causes of nitrates that could be contributing to the high nitrate levels at the PWS, no remedial action would be required.

The 2018 Delegation Agreement between the county and the Wyoming Department of Environmental Quality specifies that the county sanitarian has principal authority over the regulation of Small Wastewater Facilities in Teton County. Among other things, the Delegation Agreement explicitly authorizes the sanitarian to inspect installed septic systems and to bring enforcement actions when violations are discovered. Under governing statutes, the sanitarian and the county health department are responsible for addressing public health threats, including taking action to mitigate potential environmental and health impacts that may result from failed septic systems. If necessary, county authorities could request the involvement of other regulatory agencies such as the U.S. EPA and the Wyoming DEQ in investigation and enforcement activities.

Chapter 10

SOURCE WATER PROTECTION PLANS

1. Not later than 12 months after the effective date of this rule, each public water system serving customers within Teton County shall develop and implement a wellhead protection plan, source water assessment, and source water protection plan. Such plans shall bear the stamp of a professional geologist or engineer and be approved by the Wyoming Department of Environmental Quality. Source water assessments and source water protection plans shall be made available to the public in accordance with the Wyoming Public Records Act, except that specific wellhead location information may be exempt from disclosure in order to protect wellhead security.

DISCUSSION OF CHAPTER 10 – SOURCE WATER PROTECTION PLANS

Who should prepare source water protection plans?

Chapter 10 requires that all EPA-registered public water systems (PWS) operating in Teton County to develop wellhead protection plans, source water assessments and source water protection plans within 12 months of adoption of the rule, with the goal to prevent drinking water from being contaminated in the first place. Wyoming is the only state in the nation that does not require public water systems to prepare source water assessments; currently, only 44 of the 114 PWS in Teton County have prepared these basic plans. We recommend that a licensed professional engineer with special knowledge and expertise in geohydrology be involved in the actual preparation of the plans and assessments. The board could consider amending the proposed language, above, to require that source water assessments and source water protection plans be filed with the county sanitarian and the county health department. The U.S. EPA and

Wyoming DEQ have prepared useful information about the benefits of these plans. For more information click on: <https://www.epa.gov/sourcewaterprotection> and <http://deq.wyoming.gov/wqd/source-water-wellhead/>

OTHER FAQs

Does the Teton Health District have the legal authority to adopt the proposed rule?

Yes. Wyoming Statute § 35-1-303(a) states that health districts “may enact rules and regulations pertaining to the prevention of disease and the promotion of public health” provided they are “no less effective than, or in conflict with, rules and regulations promulgated by the state department of health.” The Teton County attorney’s office has determined that the Teton Health District has the legal authority to promulgate this rule.

Does the proposed rule impose fines or penalties for non-compliance?

No. The rule relies entirely on voluntary compliance. Proponents believe that the vast majority of the county’s 114 public water systems will be eager to participate in a program to better protect source water and public water supplies. That said, if violations of the county’s Small Wastewater Facility regulations are discovered during a site inspection, enforcement actions pursuant to those regulations could be initiated by the County Sanitarian.

Could the draft rule be revised in response to public comments?

Yes. In accordance with rulemaking requirements contained in the Wyoming Administrative Procedure Act, W.S. §16-3-103, the draft rule must be made available for public review and comment, and an opportunity for a public hearing must be provided. At the conclusion of the comment period, the Board will review all comments and determine whether changes are appropriate. Essentially, this draft rule is just that: a draft. The Board will have continued opportunities to look at it and make any needed changes until final adoption.

Why does the rule focus exclusively on nitrates?

Over 40 years ago, a study tied to our first land use plan recognized the threat of insufficient wastewater treatment and [poorly functioning septic systems](#).¹² The study identified high groundwater and coarse soils in many areas of the county as constraints to septic systems’ functionality, increasing the potential for contaminating wells, surface water, and groundwater. Importantly, it also established “environmental protection districts” for the land use plan to ensure future density would work within those constraints. And of the 19 total policies in our first comprehensive plan, one clearly specified the need to protect water quality from discharged wastewater.

Yet decades later, our current Comprehensive Plan no longer references the 1978 water quality plan and, until the recent update, did not prioritize the protection of water quality. Approximately 3,600 private septic systems have been installed in the valley—many located

¹² Ablondi, Robert. (1978). Teton County Water Quality Management Program. Print.

without adequate setbacks from wells or other water sources, and free to operate without any inspection and maintenance requirements. Many of those old systems are now leaching minimally treated wastewater into the Snake River Aquifer, our sole source of drinking water.

With respect to drinking water, nearly all of the county's 114 public water systems lack basic protection plans, while others show alarming increases in nitrate concentrations, suggesting the presence of insufficiently treated sewage. As noted earlier, nitrate concentrations in [Hoback's drinking water exceed the Environmental Protection Agency's limits](#), necessitating expensive equipment and prompting community efforts to find alternative water sources. And Hoback isn't alone: the Teton Conservation District recently identified several other areas experiencing [rising nitrate levels](#) to the Board of County Commissioners.

Our community has a significant and increasingly widespread nitrate problem that is an emerging threat to public health. If nothing is done to address the problem, it is clear that the problem will worsen, leading to increased costs, more intervention by state and federal regulatory agencies, and the prospect of declining property values in nitrate hot spots. That said, the Board has the authority to amend this rule at any time to include additional pollutants if it believes an early warning system for other pollutants found in drinking water is needed.

Will this rule create a substantial burden on the Health Department?

For the most part, increased demands on county resources created by this rule would be the administration of a public database of public water systems. Only a dozen or so of the 114 PWS in Teton County have reported nitrate levels at a concentration that would trigger an investigation, which is a straightforward matter involving permitting research and on-site inspections. With little additional work, this work rule will have an outsized benefit to public health and public resources.

Is atmospheric deposition of nitrate a significant factor in Teton County's nitrate problem?

While atmospheric deposition of nitrates is occurring throughout the United States and globally, it is beyond the ability and authority of the Teton Health District Board to address. We are not aware of any specific studies linking atmospheric deposition of nitrates to elevated nitrate concentrations in groundwater. However, given the low nitrate levels found in the majority of the county's public water systems, one might reasonably surmise that atmospheric deposition is not a major contributing factor to groundwater levels of nitrates in Teton County. For additional information, please see: <https://academic.oup.com/bioscience/article/53/4/391/250293>

Does this rule change the EPA's MCL for Nitrate?

No. The U.S. Environmental Protection Agency set the maximum contaminant level (MCL) for nitrate at 10 mg/L. This level was set in the 1960s to address concerns about blue baby syndrome. See <https://www.epa.gov/nutrient-policy-data/estimated-nitrate-concentrations-groundwater-used-drinking>. The proposed rule does not (and legally cannot) revise this MCL. Rather, it authorizes the county health department to take a series of actions to address rising nitrate concentrations before they reach a level that would trigger a regulatory response by EPA.