LEAGUE OF WISCONSIN MUNICIPALITIES

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September 24, 2025

Department of Natural Resources
Attn: Briana Harter - DG/5
P.O. Box 7921
Madison, WI 53707-7921

Submitted via email to DNRDGnr809lccomments@wisconsin.gov

Re: League of Wisconsin Municipalities Comments on DG-04-24, Lead and Copper Rule Revisions

Dear Ms. Harter,

The League of Wisconsin Municipalities (League) appreciates the opportunity to submit written comments on the Wisconsin Department of Natural Resources' (DNR) proposed permanent administrative rule DG-04-24 to update lead and copper requirements for public drinking water.

The League is a nonpartisan, not-for-profit membership organization that advocates for the interests of our over 600 member cities and villages, large and small, urban and rural, throughout the state. While each of our members have characteristics about their community and municipal operations that make them unique, nearly every member shares the responsibility of the provision of safe and reliable drinking water to their residents, schools, and businesses. Our members do not take this responsibility lightly.

It is the seriousness with which city and village officials and water utilities take this responsibility that has made Wisconsin a leader in efforts to remove lead from drinking water systems. Since 2016, municipalities have consistently tapped available state and federal funding for lead lateral removal to their full potential. Seeing this demand, the League, along with our partners Municipal Environmental Group (MEG)-Water Division and Wisconsin Rural Water Association, pushed for the pursuit of legislative initiatives to use ratepayer funds to assist in further expediting lead service line removal.

While the path to lead infrastructure free water systems is still a challenge statewide, the initiatives cities and villages have already undertaken have given us a jumpstart on deadlines presently imposed by the U.S. Environmental Protection Agency (EPA). However, despite this municipal foresight, the League is commenting on this rule to encourage caution from the DNR as it considers implementation of Lead and Copper Rule revisions.

Requiring the replacement of lead service lines by 2037 is an admirable goal but one which regrettably creates logistical and financial challenges for municipalities. Available labor to perform replacements and available materials to replace lead pipes can already be a challenge that will be further exacerbated

by this impeding deadline. Even if labor and equipment challenges could be overcome, the cost of these replacements will be prohibitive for many municipalities, causing substantial spikes in water rates.

It appears that the EPA has recognized these challenges, announcing just last month the agency will be "developing new tools and information to support practical implementation flexibilities and provide regulatory clarity." The authority for this regulatory flexibility and clarity is defined in the Safe Drinking Water Act, ensuring that the EPA has the ability to recognize local challenges in complying with federal mandates and adapt to those challenges accordingly to achieve a more practical approach.

While the EPA's announcement is welcome, it's unclear whether those federal changes would be adopted by the DNR. DG-04-24 does not propose any explicit authority for regulatory flexibility based on national changes or local circumstances. In addition, a separate rulemaking process being pursued by the DNR on the same timeframe, DG-02-24, would eliminate the ability for municipal water utility to apply for a three-year extension to comply with certain maximum contaminant levels or other regulations.

The League's members are committed to the delivery of clean and safe water to their residents. But these efforts do not exist in a vacuum. The impacts of this rule revision will be felt throughout municipal governments, local residents, businesses, and the state as a whole. The League would request that any tools and flexibilities granted federally must be adopted in Wisconsin. We would further request language is provided in DG-04-24 that affirms this commitment from the DNR.

Thank you for your time and attention to the League of Wisconsin Municipalities' comments on DG-04-24 to update lead and copper requirements for public drinking water. If you have questions or require clarification, please do not hesitate to contact me at your convenience at therkert@lwm-info.org.

Sincerely,

Toni Herkert

Toni Herkert
Government Affairs Director
League of Wisconsin Municipalities