

Notice of Hearing

The Department of Natural Resources announces that it will hold a public hearing on:

- RR-11-17(E) – An emergency rule affecting chapters NR 700 to 754 and creating chapters NR 756 and 758 related to financial responsibility for engineering controls for contaminated sediment remediation, and insurance and financial responsibility for Voluntary Party Liability Exemption projects with contaminated sediments.
- RR-10-17 – A permanent rule relating to implementation of 2015 Wisconsin Act 204 and 2017 Wisconsin Act 70, adequate direction for contaminated sediments, and other changes needed to update, clarify, and promote consistency within chs. NR 700 through NR 754, Wis. Adm. Code.

In accordance with s. 227.17, Wis. Stats., the DNR is seeking public comment and feedback on Board Orders RR-10-17 and RR-11-17(E). The Department will hold one public hearing for both rules at the time and virtual location shown below.

Hearing Information

Date: October 16, 2020

Time: 9 a.m.

Virtual Location Link: [Skype](#)

Rule Information

The Remediation and Redevelopment program is proposing revisions to chs. NR 700 to NR 754, Wis. Adm. Code, as well as the creation of chs. NR 756 and 758. The purpose of these revisions is to provide procedures for new requirements and statutory changes under 2015 Wisconsin Act 204, to provide consistency with 2017 Wisconsin Act 70, to ensure adequate direction is available in code for the investigation and remediation of contaminated sediment, and to make other targeted changes that are needed to update, clarify, and promote consistency within the NR 700 rule series.

Accessibility

For the hearing or visually impaired, non-English speakers, or those with other personal circumstances which might make communication at the meeting/hearing difficult, DNR will, to the maximum extent possible and with reasonable advance notice, provide aids including an interpreter, or a non-English, large-print, or recorded version of hearing documents. To access these resources, please contact the email address or phone number listed below as soon as possible.

Appearances at the Hearing and Submittal of Written Comments

The public has the opportunity to testify at the hearing. Registration will take place at the hearing by completing a Hearing Appearance form, which is available [here](#). Pre-registration is strongly encouraged if you plan to provide spoken comments during the hearing. To pre-register, please download and complete the fillable [Hearing Appearance form](#) and send it to DNRRRNR700input@wisconsin.gov.

Comments on the proposed rule must be received on or before October 23, 2020. Written comments may be submitted by U.S. mail, E-mail, or through the internet and will have the same weight and effect as oral statements presented at the public hearing. **Written comments and any questions on the proposed rules should be submitted to:**

Department of Natural Resources
Attn: Molly Schmidt – RR/5
P.O. Box 7921
101 S. Webster Street,
Madison, WI 53707-7921
DNRRRNR700input@wisconsin.gov

The rule may be viewed at: <https://dnr.wi.gov/news/input/ProposedPermanent.html>

Comments can also be made at: DNRAAdministrativeRulesComments@wisconsin.gov

Initial Regulatory Flexibility Analysis

Implementation of 2015 Wis. Act 204 requirements for financial responsibility at contaminated sediment sites.

No economic impacts on small businesses are anticipated for rules relating to Act 204 and contaminated sediments. Small businesses are rarely involved as responsible parties in sediment contamination sites. For all parties that are found to be responsible for contaminated sediment sites, including small businesses, the flexibility that the rules will provide to those seeking to meet the statutory requirements would counterbalance any economic impacts that may arise under various parts of the rule. With regard to the changes affecting rules relating to contaminated sediment sites within the VPLE program, the voluntary nature of the program fully mitigates any economic impacts on small businesses; parties can choose to participate depending upon whether they find the program to be advantageous.

Continuing obligations for interim actions and notifications, semi-annual reporting, and fees.

Other rule revisions are not anticipated to incur costs to small businesses, except in cases where the small business is a responsible party. While the department does not have a defined data set for small business, staff conservatively estimates that 30% or fewer responsible parties are small businesses. In this case, annual statewide costs to small business may be subject to the following costs:

- Database requirements within ch. NR 708 for interim actions with continuing obligations, ranging from \$51,975 to \$189,000 per year in total.
- The deadline within ch. NR 708 for interim action reporting, ranging from \$12,994 to \$47,250 per year in total.
- Chapter NR 725 notification requirements ranging from \$7,950 to \$29,415 per year in total.
- Section NR 700.11 semi-annual reporting requirements may have an impact of \$186,900 per year in total.
- Fee increases under ch. NR 749, including the following:
 - Payment of processing charges for electronic submission, ranging from \$994 to \$1325.
 - Increase of fees in Table 1 by 2% upon effectiveness, averaging \$3,683.
 - Increase of fees in Table 1 by 5% every third calendar year, beginning Jan. 1, 2025, averaging \$4,418.
 - New interim action report fees, averaging \$33,705.
 - Increase to existing construction documentation report fee, averaging \$548.

The total annual costs statewide range from \$303,167 to \$496,244. Please note that these estimates are conservative due to the lack of dependable data regarding the percentage of responsible parties that are small businesses.

Agency Small Business Regulatory Coordinator

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