

1 **SECTION 20.** ATCP 35.16(2)(a) is amended to read:

2 ATCP 35.16(2) BIDS AND ESTIMATES REQUIRED. (a) The department may not reimburse a
3 responsible person for contract services performed at a discharge site unless the responsible person
4 selects the contractor to provide services at that site on the basis of at least 3 competitive bids. The
5 responsible person shall provide the department with a copy of the accepted bid before authorizing the
6 contractor to proceed. ~~The department may require a responsible person to obtain additional bids if the~~
7 ~~department finds that existing bids are unreasonable.~~

8 **SECTION 21.** ATCP 35.16(2)(c)3. is amended to read:

9 ATCP 35.16(2)(c)3. The contractor provides the responsible person and the department with a
10 cost estimate for the additional services, and obtains the approval of the responsible person and the
11 department, before performing those services. ~~The department may require the responsible person to~~
12 ~~obtain competitive bids for the additional services if the department finds that the cost estimate is~~
13 ~~unreasonable.~~

14 **SECTION 22.** ATCP 35.16(2)(c)4. is repealed.

15 **SECTION 23.** ATCP 35.16(2m)(d) is amended to read:

16 ATCP 35.16(2m)(d) Every certification and disclosure required of the contractor under ~~sub.~~
17 ~~subs. (6) and (7).~~

18 **SECTION 24.** ATCP 35.16(2m)(e) is created to read:

19 ATCP 35.16(2m)(e) The basis for attributing project costs to corrective measures under this
20 chapter, if the project is also designed to investigate or repair environmental contamination involving
21 substances that are not agricultural chemicals. The attribution shall take into account the reasons for
22 which the overall project was initiated, and the end goals of the project.

23 **SECTION 25.** ATCP 35.16(6)(b) and (c) are amended to read:

1 ATCP 35.16(6)(b) If a contractor ~~bids~~ submits a bid or cost estimate under sub. (2) to provide
2 ~~drilling~~, engineering, hydrogeologic, field technician or general contractor services, the contractor's bid
3 shall certify that the contractor has and will maintain insurance coverage for errors and omissions,
4 including pollution impairment liability coverage of not less than \$1,000,000 per claim, for not less
5 than \$1,000,000 in annual aggregate claims, with a deductible of not more than \$100,000 per claim.

6 NOTE: If a general contractor solicits other contractors on behalf of a responsible person and
7 the responsible person contracts directly with or directly compensates the other
8 contractors, the general contractor is subject to the insurance provisions contained in
9 this paragraph. A contractor who subcontracts for corrective action services and
10 directly compensates the subcontractor is not acting as a general contractor with regard
11 to that subcontracted service.
12

13 (c) If a contractor ~~bids~~ submits a bid or cost estimate under sub. (2) to provide laboratory
14 services, the contractor's bid shall certify that the contractor has and will maintain insurance coverage
15 for errors and omissions (professional liability) of not less than \$1,000,000 per claim, for not less than
16 \$1,000,000 in annual aggregate claims, with a deductible of not more than \$100,000 per claim.

17 **SECTION 26.** ATCP 35.16(6)(d) is created to read:

18 ATCP 35.16(6)(d) If a contractor submits a bid or cost estimate under sub. (2) to provide
19 drilling services or soil probing, the contractor's bid shall certify that the contractor has and will
20 maintain insurance coverage for pollution impairment liability coverage of not less than \$1,000,000 per
21 claim, for not less than \$1,000,000 in annual aggregate claims, with a deductible of not more than
22 \$100,000 per claim.

23 **SECTION 27.** ATCP 35.16(7) is created to read:

24 ATCP 35.16(7) CONTRACTOR DISCLOSURE. If a contractor's bid or cost estimate under sub. (2)
25 includes any contract service or cost a contractor knows or should know is not eligible for
26 reimbursement under this chapter, the bid or cost estimate shall clearly identify that service or cost and
27 shall clearly disclose that it is not eligible for reimbursement by the department.

1 **SECTION 28.** ATCP 35.16(8) is repealed and recreated to read:

2 ATCP 35.16(8) EXEMPTIONS. The department may reimburse necessary and reasonable
3 contract service costs incurred by a responsible person who fails to comply with subs. (2) to (7) if any
4 of the following applies:

5 (a) The responsible person demonstrates that compliance with subs. (2) to (7) is not reasonably
6 possible.

7 (b) The contract service costs charged by the contractor do not exceed \$3,000.

8 (c) The department pays reimbursement at a rate that is no more than 75% of the rate normally
9 allowed under s. ATCP 35.22.

10 **SECTION 29.** ATCP 35.16(9) is created to read:

11 ATCP 35.16(9) DISAPPROVED BIDS OR ESTIMATES. If the department finds that a bid or cost
12 estimate under sub. (2) is unreasonable, or that all or part of the contract service is unnecessary, the
13 department may do any of the following:

14 (a) Disapprove the bid or estimate.

15 (b) Require the responsible person to obtain up to 3 additional bids or estimates. Additional
16 bids or estimates, if any, shall comply with this section.

17 (c) Determine that the corrective action cost eligible for reimbursement is less than the amount
18 bid or estimated.

19 **SECTION 30.** ATCP 35.18(1) (a) is repealed and recreated to read:

20 ATCP 35.18(1) WORKPLAN REQUIRED. (a) Except as provided in par. (b) or (c), the
21 department may not reimburse a responsible person for eligible corrective action costs exceeding
22 \$7,500 unless the department approves a written workplan for the corrective action before the
23 responsible person takes the corrective action.

24 **SECTION 31.** ATCP 35.22(1) is amended to read:

1 ATCP 35.22(1) GENERAL REIMBURSEMENT FORMULA. Except as provided in subs. (2) or (4),
2 the department shall reimburse a responsible person for each discharge site an amount equal to 80% of
3 the eligible corrective action costs that are greater than \$3,000 and less than \$400,000. To this amount
4 the department shall add interest costs under s. ATCP 35.25. The total amount reimbursed under this
5 subsection, including interest costs under s. ATCP 35.25, may not exceed \$317,600.

6 **SECTION 32.** ATCP 35.22(2)(a)(intro.) is amended to read:

7 (2)(a)(intro.) Except as provided in sub. (4), the department shall reimburse a responsible
8 person for each discharge site an amount equal to 80% of the eligible corrective action costs that are
9 greater than \$7,500 and less than \$400,000 if any of the following applies at the time the discharge
10 occurs or is discovered:

11 **SECTION 33.** ATCP 35.22(4)(a) is amended to read:

12 ATCP 35.22(4)(a) The department may not reimburse corrective action costs that exceed
13 \$100,000 for any discharge unless the department, after determining that the costs are reasonable and
14 necessary based on the nature, size and complexity of the corrective action, approves the additional
15 costs before the responsible person incurs them. The department may specify conditions and
16 limitations on its approval. An approval under s. ATCP 35.16(2)(c)3. constitutes an approval under
17 this paragraph.

18 **SECTION 34.** ATCP 35.22(4)(b) is repealed.

19 **SECTION 35.** ATCP 35.34 is created to read:

20 **ATCP 35.34 Agricultural chemical cleanup council.** (1) CREATION. The department shall
21 appoint an advisory council to advise the department on matters related to the administration of this
22 chapter. The advisory council shall be called the agricultural chemical cleanup council.

23 (2) MEMBERS. The agricultural chemical cleanup council shall consist of the following
24 members, appointed for 2-year terms:

- 1 (a) Two farmers.
- 2 (b) Two pesticide dealers or commercial applicators.
- 3 (c) One environmental consultant.
- 4 (d) One agricultural chemical manufacturer or wholesaler.

5 (3) MEETINGS. The agricultural chemical cleanup council shall meet, at the call of the
6 department, to advise the department on any of the following matters on which the department seeks
7 advice:

- 8 (a) Rules proposed under s. 94.73, Stats.
- 9 (b) Fees and surcharges to fund reimbursement of corrective action costs.
- 10 (c) Proposed department actions under s. ATCP 35.08(5)(b) and (c).
- 11 (d) Other matters related to the administration of this rule.

12 **EFFECTIVE DATE.** The rules contained in this order shall take effect on the first day of the
13 month following publication in the Wisconsin administrative register, as provided under s.
14 227.22(2)(intro.), Stats.

15 Dated this _____ day of _____, 2000.

16
17 STATE OF WISCONSIN
18 DEPARTMENT OF AGRICULTURE,
19 TRADE AND CONSUMER PROTECTION
20

21
22 By _____
23 Ben Brancel, Secretary
24

APPENDIX A

Summary of Testimony

Proposed Amendments to Chapter ATCP 35, Wis. Adm. Code

Introduction

The Wisconsin Department of Agriculture, Trade and Consumer Protection (department) held a public hearing in Madison and simultaneously in Wisconsin Rapids via videoconference technology, to record oral testimony on the proposed changes to Chapter ATCP 35, Wis. Adm. Code. The public hearing started with a ½ hour presentation during which department staff explained the proposed changes and answered questions. Information materials available at the hearing included the proposed hearing draft dated February 28, 2000.

A total of nine people attended the public hearings. Three provided oral testimony. The other six attendees completed appearance cards to register their opinion of the proposed rule changes, but did not provide oral testimony. Two people submitted written testimony as part of the hearing process.

Table 1. Public Participation

Position	Public Hearings (# participants)	Written Testimony (# participants)	All Testimony (# participants)
Support	3	1	4
Support with Minor Modifications	1	1	2
Oppose	0	0	0
Neither/Other	5	0	5
Totals	9	2	11

Summary of Oral Testimony

Madison hearing:

1. John Manske: Mr. Manske was in support of the proposed rule changes.
2. Betsy Ahner: Ms. Ahner was in support of the proposed rule changes.

Wisconsin Rapids hearing:

1. Mark Dawson: Mr. Dawson was in support of the proposed rules changes. Mr. Dawson had two additional recommended changes to the rule. Mr. Dawson recommended that the cost for building foundation removal and disposal be a reimbursable cost. This could encourage responsible parties to remove additional

contaminated soil beneath these structures, which could reduce the long-term groundwater monitoring costs and the need for an engineered barrier. His second concern related to reimbursement claims. Mr. Dawson would like the rule to allow the responsible party to establish the reimbursement claim period cutoff date for each reimbursement claim submitted. He feels that this would eliminate confusion in the current rule relating to the reimbursement claim cutoff date.

Summary of Written Testimony

Two people submitted written testimony on the proposed amendments to Chapter ATCP 35, Wis. Adm. Code.

1. David Crass: Mr. Crass provided comments on behalf of Coop Country Partners (CCP) in his role as their legal counsel. CCP wrote to express its support for all of the proposed revisions to Chapter ATCP 35, Wis. Adm. Code. In particular, they support the revision proposed to the rule that would provide partial reimbursement to responsible parties who fail to comply with the cost-control measures in Chapter ATCP 35, Wis. Adm. Code. They believe that this code revision will empower department staff to reach an equitable result when cost-effective cleanups occur, which are not in strict conformance with the provisions of Chapter ATCP 35, Wis. Adm. Code.
2. Mark Tusler: Mr. Tusler had two main concerns related to Chapter ATCP 35, Wis. Adm. Code. His first concern was related to general contractor insurance. He believes that the definition of a general contractor applies to contractors that are often hired to perform soil remediations (excavation firms). The excavation firms typically hire subcontractors, therefore, he believes that the excavation firm meets the definition of a general contractor as defined in the rule and would be required to carry professional liability insurance. The intent of the rule is not to unfairly burden excavation firms with these insurance requirements. He believes that the code language should be revised and that the term "general contractor" should be replaced by "consultant".

Mr. Tusler's second concern was related to the proposed revisions to s. ATCP 35.16(7), Wis. Adm. Code which would require contractors to disclose in their bid or cost estimate costs that are not eligible for reimbursement by the department. The proposed code revisions would require the contractor to know, before hand, what the department will determine to be eligible at the time the claim is reviewed. Contractors can identify ineligible costs that are clearly ineligible items identified in s. ATCP 35.14, Wis. Adm. Code. He suggested the proposed language be revised so that contractors would only be required to identify to the responsible party, those items specifically identified as ineligible under s. ATCP 35.14, Wis. Adm. Code.

APPENDIX B

FISCAL ESTIMATE

DOA-2048 (R 10/94)

ORIGINAL UPDATED
 CORRECTED SUPPLEMENTAL

LRB or Bill No. / Adm. Rule No.
ATCP 35

Amendment No. (If Applicable)

Subject

Agricultural Chemical Cleanup Program

Fiscal Effect

State: No State Fiscal Effect

Check columns below only if bill makes a direct appropriation or affects a sum sufficient appropriation

Increase Costs - May be possible to Absorb Within Agency's Budget Yes No

 Decrease Costs

Increase Existing Appropriation Increase Existing Revenues
 Decrease Existing Appropriation Decrease Existing Revenues
 Create New Appropriation

Local: No local government costs

1. Increase Costs
 Permissive Mandatory
 2. Decrease Costs
 Permissive Mandatory

3. Increase Revenues
 Permissive Mandatory
 4. Decrease Revenues
 Permissive Mandatory

5. Types of Local Governmental Unit Affected:

Towns Villages Cities
 Counties Others _____
 School Districts WTCS Districts

Fund Source Affected

GPR FED PRO PRS SEG SEG-S

Affected Ch. 20 Appropriations
20.115(7)(w)

Assumptions Used in Arriving at Fiscal Estimate

The Department of Agriculture, Trade and Consumer Protection anticipates a cost increase as a result of the proposed rules which can be absorbed. Most of the costs result from expanding the eligibility of certain remedial activities at sites conducting cleanups of agricultural chemicals. As a result, the following is a listing of items that will have an annual fiscal impact to the ACCP fund, an estimated amount and a brief explanation of how that estimate was calculated. The total annual increase is estimated to be \$76,000.

- Facility equipment moving: \$12,000 based upon 5 sites/year at \$3,000/site at 80% reimbursement.
- Fixture or structure removal and reinstallation: \$20,000 based upon 5 sites/year at \$5,000/site at 80% reimbursement.
- Landspreading incentive payment: \$12,000 based upon 30,000 yards of soil spread per year at \$.50 per yard at 80% reimbursement.
- The rule proposes to reimburse a portion of all reasonable and necessary corrective action costs even if they were incurred without following all of the cost control provisions of the rules. This is expected to increase the annual expenditures by about \$12,000 based upon \$30,000 denied annually because of not following cost control provisions. The department might pay 50% of those costs eligible of which they would get reimbursed 80%.

A one time impact to the ACCP reimbursement fund will also occur based upon allowing past claimants to submit old costs for the first three items above to the fund after the rule becomes effective. This total amount is estimated to be \$40,000 and is based upon sites where we are aware of fixtures or equipment being moved in the past.

Long - Range Fiscal Implications

None

Agency/prepared by: (Name & Phone No.)

DATCP
Duane Klein 608/224-4519

Authorized Signature/Telephone No.

Barbara Knapp
Barbara Knapp (608) 224-4746

Date

2/24/00

FISCAL ESTIMATE WORKSHEET

1999 SESSION

Detailed Estimate of Annual Fiscal Effect
DOA-2047 (R10/94)

ORIGINAL UPDATED
 CORRECTED SUPPLEMENTAL

LRB or Bill No/Adm.Rule No. Amendment No.
ATCP 35

Subject

Agricultural Chemical Cleanup Program

I. One-time Cost or Revenue Impacts for State and/or Local Government (do not include in annualized fiscal effect):
40,000

II. Annualized Cost:

Annualized Fiscal Impact on State funds from:

A. State Costs by Category	Annualized Fiscal Impact on State funds from:	
	Increased Costs	Decreased Costs
State Operations - Salaries and Fringes	\$	\$ -
(FTE Position Changes)	(FTE)	(- FTE)
State Operations - Other Costs		-
Local Assistance		-
Aids to Individuals or Organizations	76,000	-
TOTAL State Costs by Category	\$	\$ -
B. State Costs by Source of Funds	Increased Costs	Decreased Costs
GPR	\$	\$ -
FED		-
PRO/PRS		-
SEG/SEG-S	76,000	-
III. State Revenues	Increased Rev.	Decreased Rev.
<small>Complete this only when proposal will increase or decrease state revenues (e.g., tax increase, decrease in license fee, etc.)</small>		
GPR Taxes	\$	\$ -
GPR Earned		-
FED		-
PRO/PRS		-
SEG/SEG-S		-
TOTAL State Revenues	\$	\$ -

NET ANNUALIZED FISCAL IMPACT

	<u>STATE</u>	<u>LOCAL</u>
NET CHANGE IN COSTS	\$ <u>76,000</u>	\$ <u>0.00</u>
NET CHANGE IN REVENUES	\$ <u>0.00</u>	\$ <u>0.00</u>

Agency Prepared by: (Name & Phone No.) DATCP Duane Klein (608/224-4519)	Authorized Signature/Telephone No. <i>Barbara Knapp</i> Barbara Knapp (608) 224-4746	Date 2/24/00
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APPENDIX C

FINAL REGULATORY FLEXIBILITY ANALYSIS
for revisions to Chapter ATCP 35, Wis. Adm. Code

The proposed changes to ATCP 35, Wis. Adm. Code, will allow greater reimbursement of business expenses when a business cleans up a spill of fertilizer or pesticide.

Expected Business Income

The proposed changes to Chapter ATCP 35, Wis. Adm. Code, will decrease business costs for cleaning up spills. The proposed changes to Chapter ATCP 35, Wis. Adm. Code include:

- Expanding reimbursement eligibility to include costs that have been ineligible in the past. Additional costs proposed to be eligible include removing and replacing fixtures (railroad tracks, ties and ballast; culverts; fences; and utility equipment).
- Expanding reimbursement eligibility to include a portion of costs that a responsible person incurred without complying with the cost control provisions of the rule. The current rule language denies all of these costs whether or not they were reasonable or necessary corrective actions.
- Expanding reimbursement eligibility to include payment to landowners for use of their land to landspread the soil containing agricultural chemicals.
- Modifying the contracting language to require contractors to be more accountability to the responsible persons and the agency.

Alternative Options Considered

Most of the fiscal impacts for small businesses contained in proposed revisions to Chapter ATCP 35, Wis. Adm. Code, are costs savings. Maintaining the status quo was the only other alternative option. That option was considered, but rejected since it was not as advantageous to small businesses as the proposed revisions to the rule.

Dated this 10th day of May, 2000.

STATE OF WISCONSIN
DEPARTMENT OF AGRICULTURE,
TRADE AND CONSUMER PROTECTION

By Nicholas J. Neher
Nicholas J. Neher
Administrator
Agriculture Resource Management Division

APPENDIX D

DEPARTMENT OF AGRICULTURE, TRADE AND CONSUMER PROTECTION
FINAL ENVIRONMENTAL ASSESSMENT

Division Affected: Agricultural Resource Management

Rule Number: ATCP 35

Clearinghouse Rule Number: 00 - 058

HISTORY AND BACKGROUND

1. Rule number and title:

- New Rule
- Modification of Existing Rules

2. Statutory Authority

- A. To adopt the proposed rule: Sections 93.07 and 94.73(11), Stats.
- B. Statutes(s) being interpreted by proposed rule: Section 94.73, Stats.

3. Summarize the history of the proposed rule and the reason the rule was developed:

Chapter ATCP 35, Wis. Adm. Code, was originally promulgated as a rule in 1994. The rules were created to implement the Agricultural Chemical Cleanup Program. This program directs the cleanup of fertilizer and pesticide spills in Wisconsin, and reimburses some of the costs of those persons that conduct the cleanups. Rule revisions are needed to address issues that have arisen as the program has developed.

4. Description of the Proposed Rule

A. Objective of the proposed rule (be specific and cite internal and external studies, reports, and other information or rationale used in establishing the objectives of the proposed rule).

(1) Environmental Objectives:

Changes to ch. ATCP 35, Wis. Adm. Code, may improve environmental quality by decreasing the cost and time needed for a cleanup.

(2) Programmatic/Administrative Objectives:

The rule revisions will make it easier for regulated parties to comply with the rules by making them more understandable for the regulated public, the ACCP Council and DATCP

staff. Improved timeliness and increased amount of ACCP awards should speed case review and the reimbursement process.

B. Summarize the key assumptions on which the proposed rule is based.

Some changes to chapter ATCP 35, Wis. Adm. Code, are intended to ease the remediation and reimbursement processes, both for applicants and the agency. The most significant assumption in this rulemaking is that DATCP approval of all cost estimates will provide greater accountability of consultants in providing accurate estimates and will assure all parties have anticipated these costs before they are incurred.

C. Provide a summary of procedures required by the proposed rule.

Under the current rules, parties conducting cleanups submit cost estimates to the department if they expect the costs for the next phase of work to exceed \$1,500. Under the proposed rule changes all cost estimates would be submitted for department approval.

D. Identify and explain implicit or explicit exemptions to the proposed rule and explain why they are exempt. (e.g., what similar activities or entities would not be affected)

The existing rule language exemptions would still apply to the above procedure change. The exemptions apply when compliance is not reasonably possible (e.g. emergency cleanup of agricultural spills) or when the costs for an individual contractor will not exceed \$3,000.

5. Specifically identify those governmental units, industries, organizations, and other parties that would be affected by the proposed rule. Explain how each would be affected.

The Department of Agriculture, Trade and Consumer Protection (WDATCP), distributors of bulk fertilizers and pesticides and persons that own agricultural chemicals or sites that may be contaminated with agricultural chemicals will be affected by this rulemaking. Because the proposed rule will make the rule requirements more understandable, the proposed rule will make both voluntary compliance and agency enforcement of the rules easier. In addition, the changes expand eligibility of certain costs which will impact individuals conducting cleanups. The department expects clarifications in this rule will also improve the agency's ability to better anticipate and estimate reimbursement costs and more efficiently provide these reimbursements.

6. List agencies, groups, individuals contacted regarding the proposed rule.

An advisory committee assisted in development of these rules. Membership of the committee is available from the department.

7. List the existing administrative code affected or replaced by the proposed rule.

Chapter ATCP 35, Wis. Adm. Code, is being revised by this action.

8. List department directives and/or publications the proposed rule would affect.

The proposed rule would affect the Department publications, *Interpretations and Clarifications of ATCP 35*, Wis. Adm. Code. This publication contains the rule language and additional information explaining compliance options and is used to assist persons conducting cleanups under the provisions of chapter ATCP 35, Wis. Adm. Code.

9. If a specific physical and biological setting would be directly affected by the proposed rule, briefly describe the type of the affected area.

No specific physical and biological setting would be directly affected by the proposed rule. The rules affect areas where fertilizers or pesticides are spilled. Such activities are not restricted in location, but occur most frequently in intensive crop production areas of Wisconsin and the small communities in these areas.

10. Beneficial and adverse environmental impacts of the proposed rule.

A. Identify and briefly describe anticipated direct and indirect impacts on the physical and biological environment.

The proposed rule is anticipated to have no direct impacts on the physical and biological environment. Indirectly, increased reimbursements for agricultural chemical cleanups may increase the speed at which these cleanups are completed.

B. Identify and briefly describe anticipated direct and indirect economic impacts. Attach a copy of the administrative rule, fiscal estimate, and fiscal estimate work sheet.

This rule revision will result in additional reimbursement of expenses incurred by persons that clean up agricultural chemical discharges. Rule changes expand reimbursement eligibility to include removal and reinstalling certain fixtures and structures. They also propose to reimburse a portion of costs that were incurred without following the cost control provisions of the rule.

C. Identify and briefly describe anticipated direct and indirect impacts on the social and cultural environments (lifestyle) of the parties affected by the proposal.

The proposed rule is not anticipated to have any direct or indirect impacts on the social and cultural environments of the parties affected by the proposal.

D. Identify and briefly describe anticipated direct and indirect impacts on the availability and use of energy (Section 1.12, Wisconsin Statutes).

The implementation of this rule is not expected to affect the overall availability or use of fuel in Wisconsin.

11. **Identify which of the impacts are adverse impacts that cannot be avoided if the proposed rule is implemented.**

There are no adverse environmental impacts anticipated.

12. **Identify and briefly describe and discuss the environmental and administrative impacts of alternatives to the proposed rule, including the following:**

- A. **No action or not implementing the proposed rule.**

If the existing rule is not revised as proposed in these rule revisions, inefficiencies discovered in the rule as the program has developed would continue.

- B. **Legislative modifications of existing statutes to accomplish the objectives of the proposed rules.**

No legislation is needed to achieve the objectives of these rules.

- C. **Modify the proposed rule. (describe major changes that could be made in the rule to satisfy known or obvious concerns of interested parties and the impacts that would result)**

The proposed rule is a revision of a current rule.

EVALUATION

13. **Evaluation: Discuss each category using additional sheets or pertinent information if necessary. Specifically identify those factors which may distinguish the proposed rule as a major action significantly affecting the quality of the human environment.**

- A. **Secondary Effects: To what extent would the proposed rule result in other actions which may significantly affect the environment? Identify the parties affected by secondary effects in item 5.**

The proposed rule in itself is not expected to generate other actions that could affect the natural and human environment.

- B. **New Environmental effects: To what extent would the proposed rule result in new physical, biological, or socio-economic impacts.**

This rule should not result in new physical, biological or socio-economic effects. The rule furthers the intended environmental effects of established programs.

- C. **Geographically Scarce Resources: To what extent would the proposed rule affect existing environmental features that are scarce, either locally or statewide.**

This rule would not affect existing environmental features that are scarce. It is anticipated that the proposed rule would positively impact the general quality of Wisconsin groundwater.

- D. Controversy: What reaction has been received or anticipated from the public or affected parties on the proposed rules or the objective of the proposed rule? Which of the parties identified in item 5 have been contacted? Summarize their comments. (Attach additional sheets if necessary.)**

No controversial reactions are anticipated on the proposed rules.

- F. Consistency with Plans: To what extent is the proposed rule consistent or inconsistent with local, state, or national long-range plans or policies.**

The rule is being proposed to be as consistent as practical with proposed federal standards and the standards for protecting the waters of the state.

- G. Exercise of Discretion: The law(s) which authorize or are interpreted by this rule will provide for varying degrees of discretion to be used by the department in formulating the policies and procedures contained in the rule. In some cases, the department is bound by or limited to federal rules or regulations dealing with the same issues. To what extent is the proposed rule limited by Wisconsin or federal statutes or regulations.**

No state or federal regulation impedes the intended environmental protection provided by these rules.

- H. Regulatory Change:**

- 1. Identify and describe any new or expanded regulation contained in the proposed rule.**

The proposed rule requires that all cost estimates for corrective actions be approved by the department in advance of the work being performed.

- 2. Identify and describe deregulation or reduced regulation explicit or implied in the proposed rule.**

The rule is not proposing reduced regulations, but clarifying and expediting existing regulations.

- 3. Identify requirements of other state, federal and local agencies that may be relevant to the propose rule and explain the differences.**

The proposed rules do not overlap or conflict with any other state, federal or local agencies.

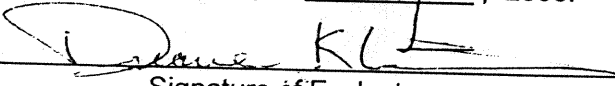
- I. **Other: Identify and describe (or cross-reference) other relevant factors which relate to the effects of the proposed rule on the quality of the human environment (e.g., foreclose future options, socio-cultural impacts, cumulative impacts to affected entities, visual impacts, and irreversible commitments of resources.**

There are no other anticipated effects from this rulemaking.

CONCLUSION

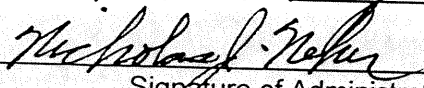
This preliminary assessment finds that promulgation of the revisions to ch. ATP 35, Wis. Adm. Code, would have no significant adverse environment impact and is not a major state action significantly affecting the quality of the human environment. Alternatives to this rule, discussed in this assessment will not reach program goals as effectively as the proposed rule.

Signed this 10th day of May, 2000.

By 
Signature of Evaluator

The decision indicating that this document is in compliance with s. 1.11, Stats, is not final until certified by the Administrator of the Agricultural Resource Management Division

Signed this 10th day of May, 2000.

By 
Signature of Administrator
Agricultural Resource Management Division