

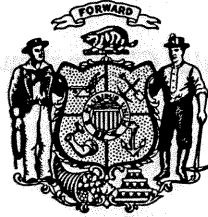
WISCONSIN LEGISLATIVE COUNCIL STAFF



AUG 31 1999
AUG 31 REC'D

RULES CLEARINGHOUSE

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CLEARINGHOUSE REPORT TO AGENCY

[THIS REPORT HAS BEEN PREPARED PURSUANT TO S. 227.15, STATS. THIS IS A REPORT ON A RULE AS ORIGINALLY PROPOSED BY THE AGENCY; THE REPORT MAY NOT REFLECT THE FINAL CONTENT OF THE RULE IN FINAL DRAFT FORM AS IT WILL BE SUBMITTED TO THE LEGISLATURE. THIS REPORT CONSTITUTES A REVIEW OF, BUT NOT APPROVAL OR DISAPPROVAL OF, THE SUBSTANTIVE CONTENT AND TECHNICAL ACCURACY OF THE RULE.]

CLEARINGHOUSE RULE 99-109

AN ORDER to renumber NR 216.45; to amend NR 300.01, 300.02, 300.04 (4), 300.06 (4), 405.15 (2) (intro.) and (h) Note and 408.09 (2) (intro.); to repeal and recreate NR 406.08 and 411.07; and to create NR 216.45 (2) and 400 (36m), relating to the fee refund or "permit guarantee" program required by s. 299.05, Stats.

Submitted by **DEPARTMENT OF NATURAL RESOURCES**

07-13-99 RECEIVED BY LEGISLATIVE COUNCIL.
08-10-99 REPORT SENT TO AGENCY.

RS:DLL:jal;rv

LEGISLATIVE COUNCIL RULES CLEARINGHOUSE REPORT

This rule has been reviewed by the Rules Clearinghouse. Based on that review, comments are reported as noted below:

1. STATUTORY AUTHORITY [s. 227.15 (2) (a)]

Comment Attached YES NO

2. FORM, STYLE AND PLACEMENT IN ADMINISTRATIVE CODE [s. 227.15 (2) (c)]

Comment Attached YES NO

3. CONFLICT WITH OR DUPLICATION OF EXISTING RULES [s. 227.15 (2) (d)]

Comment Attached YES NO

4. ADEQUACY OF REFERENCES TO RELATED STATUTES, RULES AND FORMS
[s. 227.15 (2) (e)]

Comment Attached YES NO

5. CLARITY, GRAMMAR, PUNCTUATION AND USE OF PLAIN LANGUAGE [s. 227.15 (2) (f)]

Comment Attached YES NO

6. POTENTIAL CONFLICTS WITH, AND COMPARABILITY TO, RELATED FEDERAL
REGULATIONS [s. 227.15 (2) (g)]

Comment Attached YES NO

7. COMPLIANCE WITH PERMIT ACTION DEADLINE REQUIREMENTS [s. 227.15 (2) (h)]

Comment Attached YES NO

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CLEARINGHOUSE RULE 99-109

Comments

[NOTE: All citations to "Manual" in the comments below are to the Administrative Rules Procedures Manual, prepared by the Revisor of Statutes Bureau and the Legislative Council Staff, dated September 1998.]

2. Form, Style and Placement in Administrative Code

The title of s. NR 216.45 is "Incomplete Notice of Intent." If the department chooses to place the new provisions implementing the permit guarantee program in this section, then this title should be changed to reflect the added content. Alternatively, the new provisions could be placed in a separate section, perhaps numbered s. NR 216.455.

5. Clarity, Grammar, Punctuation and Use of Plain Language

a. Sections NR 300.02, 300.04 and 300.06 are inconsistent in their terminology. Section NR 300.02 says that the chapter is applicable to applications for *permits* and *approvals*; s. NR 300.04 (4) addresses permits, approvals and *determinations*, but the specific provisions of that subsection do not refer to approvals. Should "determinations" be added to s. NR 300.02? Should "approvals" be added to s. NR 300.04 (4) (a) and (c)? Also, s. NR 300.06 (4) refers only to permits and approvals; should "determinations" be added to this section?

b. In s. NR 300.06 (4), the comma following "30.206" should be replaced by the word "or."

c. The definition of "business day," in s. NR 400.02 (36m), should read: "... any day except Saturday, Sunday or a state holiday designated in"

d. The provisions of the rule affecting the NR 400 series apply the permit guarantee program to actions on applications for permits for the construction or operation of various sources of air pollution. With regard to construction permits, the department is subject to statutory time limits for certain steps in the review process, although there is no overall time limit for the entire process. [s. 285.61, Stats.] This statute allows substantially longer for the analysis of applications for permits to construct major sources than for minor sources (120 days vs. 30 days), clearly indicating the Legislature's view that the review of minor source applications should not take as long as the review of major source applications.

The rule establishes a 205 business day deadline for the department to complete its review of and issue its final determination regarding construction permit applications. Department staff indicate that this deadline reflects their estimate of the total time required to make these determinations, considering the time limits specified in s. 285.61, Stats., and the additional time required for other steps not subject to time limits in that section. In addition, they indicate that the estimate uses the 120-day limit for analysis of an application. However, since there is only a single deadline specified for all application types, this fails to consider the Legislature's view that the review of minor source applications should not take as long as the review of major source applications. In addition, it is unclear why there is one deadline for the review of major source applications for purposes of the permit guarantee program and another, shorter, albeit not entirely explicit, deadline for the same review for purposes of actual issuance of the permit. It would seem to be more appropriate for the permit guarantee provisions to specify a separate deadline for minor sources, reflecting at least the difference (in business days) between the 120-day and 30-day analysis deadlines for major and minor sources.

**ORDER OF THE STATE OF WISCONSIN
NATURAL RESOURCES BOARD
RENUMBERING, AMENDING, REPEALING AND RECREATING
AND CREATING RULES**

The Wisconsin Natural Resources Board proposes an order to renumber NR 216.45; to amend NR 300.01, 300.02, 300.04(4), 300.06 (4), 405.15 (2)(intro.) and (h) Note and 408.09 (2)(intro.); to repeal and recreate NR 406.08 and 411.07; and to create NR 216.45 (2) and 400(36m), relating to the fee refund or "permit guarantee" program required by s. 299.05, Stats.

AM-30-99

Analysis Prepared by the Department of Natural Resources

Statutory authority: ss. 30.28, 227.11(2), 227.116, 281.22, 283.33(8), 285.11(1), 285.61 and 299.05, Stats.

Statutes interpreted: ss. 30.10 to 30.205, 30.21 to 30.27, 227.16, 281.22, 283.33(9), 285.61 and 299.05, Stats.

This action will create rules requiring the Department to refund permit application fees if it does not take action on permit applications within specified time limits. The rules are required by s. 299.05, Stats., which was recently amended when the Legislature enacted 1997 Act 301. Permit fees which will be refunded if the Department does not act on applications within specified times are: (1) Construction site storm water discharge permit application fees submitted under ch. NR 216; (2) Fees submitted for waterway and wetland permit applications under ch. NR 300; and (3) Application fees for air pollution construction permits submitted under chs. NR 405, 406, 408 and 411. The time limits are defined in "business days" as required by s. 227.116(1), Stats. and a definition of this term is set forth in NR 216, NR 300 and NR 400 to clarify these deadlines.

SECTION 1. NR 216.45 is renumbered NR 216.45(1).

*NR 216.45 (title) reads: "Incomplete notice of intent."
either change title or
put this somewhere else*

(2)

SECTION 2. NR 216.45(2) is created to read:

NR 216.45(2) The department shall refund to the applicant the stormwater construction site permit application fee paid under s. NR 216.43(4)(a) if the department does not make a determination on the permit application within 45 business days of receipt of the information required under sub. (1). In this subsection, "business day" means any day except Saturday, Sunday and state holidays as designated in s. 230.35 (4) (a), Stats. This subsection does not

apply to permits issued under this chapter related to mining, as defined in s. 293.01(9), Stats., prospecting, as defined in s. 293.01(18), Stats., or nonmetallic mining, as defined in s. 295.11(3), Stats. This subsection applies only to complete responses that are received by the department on or after the effective date of this subsection [revisor inserts date].

SECTION 3. NR 300.01 is amended to read:

NR 300.01 PURPOSE. This chapter is developed pursuant to ss. 30.28, 31.39 and 281.22, Stats., to establish procedures for ~~changing~~charging basic and supplemental fees for permits, approvals, determinations and hearings for projects in navigable waters and wetlands.

SECTION 4. NR 300.02 is amended to read:

NR 300.02 APPLICABILITY. This chapter is applicable to any application for a permit or approval pursuant to ss. 30.10 to 30.27 ~~or ss.~~ 31.02 to 31.38 or 281.22, Stats.

SECTION 5. NR 300.04 (4) ^(intro) is amended to read:

NR 300.04 (4) For any permit, approval or determination listed in s. NR 300.02, a decision shall be mailed to the applicant within the following time limits, or the report required by s. 227.116 (4), Stats., shall be submitted:

(a) Permits where a class 1 legal notice under ch. 985 Stats., is required by law or deemed appropriate by the department, 150 business days.

(b) For determinations made pursuant to s. 281.22, 120 business days.

(b)(c) Other permits, 90 business days.

3 SECS - am. (intro)
ren. (b)
cr. (b)

(2)

not part of NR300.02 (5)

also, no mention of approval in following pars.

determination

SECTION 6. NR 300.06 (4) is amended to read:

NR 300.06 (4) REFUNDS. The department shall refund a permit or approval fee if the applicant withdraws the application before the department determines that the application for the permit or approval is complete. The department shall refund a permit or approval fee for permits or approvals issued under ss. 30.10 to 30.205, 30.21 to 30.27 or 281.22, Stats., if the department fails to make a determination on the application within the time limits specified in s. NR 300.04. These refunds will only be applied to complete applications for permits and approvals received on or after the effective date of this subsection [revisor inserts date]. The department may not refund a permit or approval fee after the department determines that the application is complete for permits or approvals issued under ss. 30.206^{or} 31.02 to 31.38, Stats., or for any after-the-fact permit or approval applications.

check numbering — ok

SECTION 7. NR 400.02 (36m) is created in 400.02 as affected by Clearinghouse Rule 98-181 to read:

NR 400.02 (36m) "Business day" means any day except Saturday, Sunday ^{or a} and state holidays ~~as~~ designated in s. 230.35 (4) (a), Stats.

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SECTION 8. NR 405.15 (2)(intro.) and (h) Note are amended to read:

NR 405.15 (2)(intro.) Within ~~120~~ 205 business days after receipt of a complete application, the department shall:

(h) Note: The requirement that a preliminary determination and notice of an application be accomplished within one year of receipt of a permit application in the federal regulations has been changed to within ~~120~~ 205 business days of receipt of application in sub. ~~(2)~~ this subsection.

PSD review

SECTION 9. NR 406.08 is repealed and recreated to read:

Construction Permits

NR 406.08 ACTION ON PERMIT APPLICATIONS. (1) This section applies to actions on permits for which applications are received on or after the effective date of this section [revisor inserts date]. This section does not apply to actions on applications for permits where the source commences construction prior to issuance of a construction permit. This section does not apply to construction permits which are subject to the notice, comment and hearing provisions of s. 293.43, Stats.

(2) The department shall make a determination under s. 285.61(8), Stats., on a permit application within 205 business days of receipt of a complete application, unless compliance with s. 1.11, Stats., requires a longer time. For a major source that is located in an attainment area, the department shall complete its responsibilities under s. 1.11, Stats., within one year.

5
permit sec
to meet w/
Authority
Final rule
285.61

(3) If the department does not make a determination within the time period specified in sub. (2), the department may not impose an application fee for the permit under s. NR 410.03, and shall refund any application fee submitted with the application.

Construction Permits

SECTION 10. NR 408.09(2)(intro.) is amended to read:

NR 408.09(2)(intro.) Within ~~120~~ 205 business days after receipt of a complete application, the department shall:

120/205

Constr. + Op. Permits

SECTION 11. NR 411.07 is repealed and recreated to read:

NR 411.07 ACTION ON PERMIT APPLICATIONS. (1)(a) This subsection applies to actions on construction permits for which applications are received on or after the effective date of this section [revisor inserts date]. This section does not apply to actions on applications for

construction permits where the source commences construction prior to issuance of a construction permit. This section does not apply to construction permits which are subject to the notice, comment and hearing provisions of s. 293.43, Stats.

(b) The department shall make a determination under s. 285.61(8), Stats., on a construction permit application within 205 business days of receipt of a complete application, unless compliance with s. 1.11, Stats., requires a longer time. For a major source that is located in an attainment area, the department shall complete its responsibilities under s. 1.11, Stats., within one year.

(c) If the department does not make a determination within the time period specified in par. (b), the department may not impose an application fee for the construction permit under s. NR 410.03, and shall refund any application fee submitted with the application.

(2) Upon completion of construction and verification by the department that the indirect source was completed according to plans submitted in the construction permit application and meets s. NR 411.01(1), an operation permit shall be issued by the department to the indirect source.

The foregoing rule was approved and adopted by the State of Wisconsin Natural Resources Board on _____.

The rule shall take effect on the first day of the month following publication in the Wisconsin administrative register as provided in s. 227.22 (2)(intro.), Stats.

Dated at Madison, Wisconsin _____

STATE OF WISCONSIN
DEPARTMENT OF NATURAL RESOURCES

By _____

George E. Meyer, Secretary

(SEAL)

JUN 05 2000

State of Wisconsin
Department of Natural Resources

NOTICE TO PRESIDING OFFICERS
OF PROPOSED RULEMAKING

Pursuant to s. 227.19, Stats., notice is hereby given that final draft rules are being submitted to the presiding officer of each house of the legislature. The rules being submitted are:

Natural Resources Board Order No. AM-30-99

Legislative Council Rules Clearinghouse Number 99-109

Subject of Rules Fee refund or "permit guarantee"
program required by s. 209.05, Stats.

Date of Transmittal to Presiding Officers May 30, 2000

Send a copy of any correspondence or notices pertaining to this rule to:

Carol Turner, Rules Coordinator
DNR Bureau of Legal Services
LC/5, 101 South Webster

266-1959

REPORT TO LEGISLATURE

ch. NR 216, 300, 405, 406, 408, 411, Wis. Adm. Code
Fee refund or "permit guarantee" program required by s. 209.05, Stats.
Board Order No. AM-30-99
Clearinghouse Rule No. 99-109

Statement of Need

The proposed rule will affect three programs – the watershed management program in the issuance of certain stormwater permits under ch. NR 216; the Bureau of Fisheries Management and Habitat Protection in their issuance of permits under ch. 30, Stats., and the air program for air pollution control construction permits which are issued under chs. NR 405, 506, 508 and 411. The proposed rules outline the timelines for review of applications and the refunding of fees in these respective programs. In summary:

WPDES – Stormwater permits. Under the WPDES permit program, only applicants for stormwater discharge permits are required to submit a fee to obtain a permit. The amount of the fee is set by ch. NR 216. Industrial and municipal stormwater permit fees are paid on an annual basis and there is no required payment due until after a permit is issued. Therefore, the legislation requiring a refund for such fees is not applicable to industrial and municipal stormwater discharge permits. Construction stormwater permit fees are required as a part of the application for a permit. However, such permittees are authorized to discharge and are covered under a general permit within 14 days of the submittal of the application and fees. Under s. NR 216.45, the Department may, within the 14 day period, require additional information if the application is deficient. This revision proposed for this rule requires the refund of the fee when the Department fails to make a decision within 45 days after the permittee submits information to correct the deficiency in the initial application.

Fishery and habitat permits. There are existing rules contained in ch. NR 300 which establish timelines for the issuance of permits in the program. These rules are being amended to provide for the refund of fees collected for permits or approvals pursuant to ss. 30.10 to 30.27 and 281.22, Stats., if the Department fails to make a decision with the time limits specified in s. NR 300.04 (150 business days for a permit with a Class 1 notice, 120 business days for determinations under s. 281.22, Stats., (wetland water quality determinations) and 90 business days for other permits).

Air permits. Within the air program, the statute applies to air pollution control construction permits, which are issued under chs. NR 405, 406, 408 and 411. The rule does not apply to operation permits, which are issued under ch. NR 407 because those permits do not require application fees. The application fees for construction permits are in s. NR 410.03. The proposed rules provide that the Department will not impose or will refund application fees if it fails to make a final determination within 205 business days of receipt of a complete application for construction of a major source or modification of a major source. This is the sum of the time periods allowed under state statutes for the Department to make a final determination on an application for a permit for a major source and for which a public hearing is required. For all other construction permits, the Department will make a final determination within 145 business days of receipt of a complete application.

Modifications as a Result of Public Hearing

It was commented that currently chs. NR 405 and 408, which cover permits for "major" sources, require DNR to issue a permit decision within 120 days after receipt of a complete application. The proposed rule extends these time periods to 205 business days for all air construction permits. Federal law allows permitting agencies up to one year to make final determinations on permits for major sources. State law also sets time periods for various steps in the permitting process; if one sums the time period allowed under state law for a major source permit for which a public hearing is required, the entire process can take up to 300 days (which equates to 205 business days). The rule is being modified to keep the 205 business day period for major sources and to establish a 145 business day period for action on minor source permits.

Appearances at the Public Hearings and Their Positions

September 28, 1999 – Madison

In support – none
In opposition – none

As interest may appear:

Patrick Stevens, Wis. Manufacturers & Commerce, 501 E. Washington Ave., Madison, WI 53501

September 29, 1999 – Wausau

There were no appearances at this hearing.

Response to Legislative Council Rules Clearinghouse Report

The recommendations were accepted.

Final Regulatory Flexibility Analysis

The Department does not believe the proposed rule revisions will have a significant economic impact on small businesses. The proposed processing timelines, and the potential refunds of fees, would have a beneficial impact on those small businesses that apply for permits under these provisions.

**ORDER OF THE STATE OF WISCONSIN
NATURAL RESOURCES BOARD
RENUMBERING, AMENDING, REPEALING AND RECREATING
AND CREATING RULES**

The Wisconsin Natural Resources Board adopts an order renumber s. NR 216.45; to amend ss. NR 216.45 (title), 300.01, 300.02, 300.04(4), 300.06 (4), 405.15 (2)(intro.) and (h) Note and 408.09 (2)(intro.); to repeal and recreate ss. NR 406.08 and 411.07; and to create ss. NR 216.45 (2) and 400(36m), relating to the fee refund or "permit guarantee" program required by s. 299.05, Stats.

AM-30-99

Analysis Prepared by the Department of Natural Resources

Statutory authority: ss. 30.28, 227.11(2), 227.116, 281.22, 283.33(8), 285.11(1), 285.61 and 299.05, Stats.

Statutes interpreted: ss. 30.10 to 30.205, 30.21 to 30.27, 227.16, 281.22, 283.33(9), 285.61 and 299.05, Stats.

This action will create rules requiring the Department to refund permit application fees if it does not take action on permit applications within specified time limits. The rules are required by s. 299.05, Stats., which was amended when the Legislature enacted 1997 Act 301. Permit fees which will be refunded if the Department does not act on applications within specified times are: (1) Construction site storm water discharge permit application fees submitted under ch. NR 216; (2) Fees submitted for waterway and wetland permit applications under ch. NR 300; and (3) Application fees for air pollution construction permits submitted under chs. NR 405, 406, 408 and 411. The time limits are defined in "business days" as required by s. 227.116(1), Stats. and a definition of this term is set forth in NR 216, NR 300 and NR 400 to clarify these deadlines.

SECTION 1. NR 216.45 (title) is amended to read:

NR 216.45 Incomplete notice of intent and time limit for department decision.

SECTION 2. NR 216.45 is renumbered NR 216.45(1).

SECTION 3. NR 216.45(2) is created to read:

NR 216.45(2) The department shall refund to the applicant the stormwater construction site permit application fee paid under s. NR 216.43(4)(a) if the department does not make a determination on the permit application within 45 business days of receipt of the information required under sub. (1). In this subsection, "business day" means any day except Saturday, Sunday and state holidays as designated in s. 230.35 (4) (a), Stats. This subsection does not apply to permits issued under this chapter related to mining, as defined in s. 293.01(9), Stats., prospecting, as defined in s. 293.01(18), Stats., or nonmetallic mining, as defined in s. 295.11(3), Stats. This subsection applies only to complete responses that are received by the department on or after the effective date of this subsection [revisor inserts date].

SECTION 4. NR 300.01 is amended to read:

NR 300.01 Purpose. This chapter is developed pursuant to ss. 30.28, 31.39 and 281.22, Stats., to establish procedures for changing charging basic and supplemental fees for permits, approvals, determinations and hearings for projects in navigable waters and wetlands.

SECTION 5. NR 300.02 is amended to read:

NR 300.02 Applicability. This chapter is applicable to any application for a permit, ~~or~~ approval or determination pursuant to ss. 30.10 to 30.27 ~~or~~, ss. 31.02 to 31.38, and 281.22, Stats.

SECTION 6. NR 300.04 (4) is amended to read:

NR 300.04(4) For any permit, approval or determination listed in s. NR 300.02, a decision shall be mailed to the applicant within the following time limits, or the report required by s. 227.116 (4), Stats., shall be submitted:

(a) Permits or approvals where a class 1 legal notice under ch. 985, Stats., is required by law or deemed appropriate by the department, 150 business days.

(b) For determinations made pursuant to s. 281.22, Stats., 120 business days.

~~(b)~~ (c) Other permits or approvals, 90 business days.

SECTION 7. NR 300.06 (4) is amended to read:

NR 300.06 (4) REFUNDS. The department shall refund a permit, ~~or approval or~~ determination fee if the applicant withdraws the application before the department determines that the application for the permit or approval is complete. The department shall refund a permit or approval fee for permits, approvals or determinations issued under ss. 30.10 to 30.205, 30.21 to 30.27 or 281.22 Stats., if the department fails to make a determination on the application within the time limits specified in s. NR 300.04. These refunds will only be applied to complete applications for permits, approvals or determinations received on or after the effective date of this section [. . . revisor inserts date]. The department may not refund a permit or approval fee after the department determines that the application is complete, for permits or approvals issued under ss. 30.206, 31.02 to 31.38, Stats., or for any after-the-fact permit or approval applications.

SECTION 8. NR 400.02 (36m) is created to read:

NR 400.02 (36m) "Business day" means any day except Saturday, Sunday or a state holiday as designated in s. 230.35 (4) (a), Stats.

SECTION 9. NR 405.15 (2)(intro.) and (h) Note are amended to read:

NR 405.15 (2)(intro.) Within ~~120~~205 business days after receipt of a complete application, the department shall:

(h) Note: The requirement that a ~~preliminary~~final permit determination ~~and notice of an application~~ be accomplished within one year of receipt of a permit application in the federal regulations has been changed to within ~~120~~205 business days of receipt of application in ~~sub. (2)~~ this subsection.

SECTION 10. NR 406.08 is repealed and recreated to read:

NR 406.08 Action on permit applications. (1) This section applies to actions on permits for which applications are received on or after the effective date of this section [revisor inserts date]. This section does not apply to actions on applications for permits where the source commences construction prior to issuance of a construction permit. This section does not apply to construction permits which are subject to the notice, comment and hearing provisions of s. 293.43, Stats.

(2) (a) The department shall make a determination under s. 285.61(8), Stats., on a permit application within 205 business days of receipt of a complete application for construction or modification of a major stationary source as defined in s. NR 405.02(22) or a major source as defined in s. NR 408.02(21), unless compliance with s. 1.11, Stats., requires a longer time. For a major source that is located in an attainment area, the department shall complete its responsibilities under s. 1.11, Stats., within one year.

(b) The department shall make a determination under s. 285.61(8), Stats., on a permit application within 145 business days of receipt of a complete application for construction or modification of any stationary source not described in par. (a), unless compliance with s. 1.11,

Stats., requires a longer time.

(3) If the department does not make a determination within the applicable time period specified in sub. (2), the department may not impose an application fee for the permit under s. NR 410.03, and shall refund any application fee submitted with the application.

SECTION 11. NR 408.09(2)(intro.) is amended to read:

NR 408.09(2)(intro.) Within ~~120~~205 business days after receipt of a complete application, the department shall:

SECTION 12. NR 411.07 is repealed and recreated to read:

NR 411.07 Action on permit applications. (1)(a) This subsection applies to actions on construction permits for which applications are received on or after the effective date of this section [revisor inserts date]. This section does not apply to actions on applications for construction permits where the source commences construction prior to issuance of a construction permit. This section does not apply to construction permits which are subject to the notice, comment and hearing provisions of s. 293.43, Stats.

(b) The department shall make a determination under s. 285.61(8), Stats., on a construction permit application within 145 business days of receipt of a complete application, unless compliance with s. 1.11, Stats., requires a longer time. For a major source that is located in an attainment area, the department shall complete its responsibilities under s. 1.11, Stats., within one year.

(c) If the department does not make a determination within the time period specified in par. (b), the department may not impose an application fee for the construction permit under s.

NR 410.03, and shall refund any application fee submitted with the application.

(2) Upon completion of construction and verification by the department that the indirect source was completed according to plans submitted in the construction permit application and meets s. NR 411.01(1), an operation permit shall be issued by the department to the indirect source.

The foregoing rule was approved and adopted by the State of Wisconsin Natural Resources Board on May 23, 2000.

The rule shall take effect on the first day of the month following publication in the Wisconsin administrative register as provided in s. 227.22 (2)(intro.), Stats.

Dated at Madison, Wisconsin _____

STATE OF WISCONSIN
DEPARTMENT OF NATURAL RESOURCES

By _____
George E. Meyer, Secretary

(SEAL)