

Notice of Hearing

The Department of Natural Resources announces that it will hold a public hearing on a permanent rule to revise chs. NR 113 and 114, relating to clarifying and streamlining certain regulatory requirements for septage servicing. In accordance with s. 227.17, Wis. Stats., the DNR is seeking public comment and feedback on Board Order WY-18-18 at the time and virtual location shown below.

Hearing Information

Date: November 12, 2020

Time: 9:00 a.m.

Virtual Location Link: <https://zoom.us/j/99815431205>

Rule Information

The rule primarily addresses clarification and streamlining of existing rule language and provides increased thresholds for septage storage. Many of the proposed rule changes clarify and clean up language, making the requirements of the rule more clear and easier to understand.

Increased thresholds for septage storage allow more cost-efficient storage alternatives to businesses wishing to install septage storage. Increased septage storage allows for more appropriate periods of land application which reduce runoff of nutrients to surface waters. Additionally, proposed rule changes provide significant clarity to multiple storage situations including: new, conversion of existing storage, and when mixing septage with manure.

Several sections of the proposed rule changes include transparencies associated with statutory requirements relating to other requirements of agencies such as the Department of Children and Families, Department of Revenue, and the Department of Workforce Development.

Many changes also include potential efficiencies to businesses and include the following: increased septage maximum weekly application rates for particular soil types, alternative certification statement for T-grade businesses, alternative log requirements for portable restroom servicing vehicles, and citation authority in NR 114 to reduce penalties and fees associated with civil enforcement cases.

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 at:

<https://dnr.wi.gov/files/pdf/forms/8300/8300-014.pdf>. 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 Frederick.Hegeman@wisconsin.gov.

Comments on the proposed rule must be received on or before November 19, 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: Fred Hegeman – WY/3
P.O. Box 7921
101 S. Webster Street,
Madison, WI 53707-7921
Frederick.Hegeman@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:

The department estimates that all septage businesses are small businesses. NR 113 focuses on small businesses. Approximately 420 businesses are licensed in Wisconsin. The department estimates that there will be a potential cumulative increase of \$38,000 in costs during year one and \$4,000 per year thereafter to implement the rule. The department estimates there are many benefits to small businesses as it increases businesses additional flexibilities. The cumulative savings to businesses is estimated at \$100,000 per year.

Flexibilities to businesses include all of the following:

A) Increased ability by septage businesses to increase septage storage volumes to:

- 50,000 gallons without requiring detailed plans and specs as required of ch. NR 110 and
- 550,000 gallons without requiring a WPDES permit.

→ Statewide savings expected of about \$25,000 per year.

B) Increased ability of septage businesses to increase the maximum application rate according to site conditions such as soil texture.

→ Maximum annual statewide savings of approximately \$375,000 per year.

C) Inserted enforcement provision in ch. NR 114 consistent with ch. NR 113 reduce the need to utilize DOJ.

→Estimated annual business savings of \$78,000 per year.

D) Clarity and transparencies were incorporated into rules so that businesses are more aware of the rules and regulations that they face.

→These are numerous and many are unquantifiable.

→Undetermined annual savings.

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