

Proposed Changes to Chapter NR 216 (Storm Water Discharge Permits)

Municipal Separate Storm Sewer System (MS4) Permit Program

- Consistent with federal law requiring **automatic designation** of MS4s within 16 urbanized areas in Wisconsin that includes approximately 220 municipalities (cities, villages, towns and counties). Potential exemption for MS4s, which serves less than 1000 people, provided MS4 is not a source of pollutants affecting an impaired water.
- **Department designation** of MS4s serving a population greater than 10,000 (i.e. Beaver Dam, Marshfield, Watertown). This brings in 20 additional MS4s that are not in an urbanized area.
- **Department may designate other MS4s** based on site-specific information of MS4 impacts to a receiving water or meeting land uses criteria for designation.
- **MS4 requirements:** Six (6) federal minimum control measures, including public education and outreach, public involvement and participation, illicit discharge detection and elimination, construction and post-construction pollutant control pollution prevention, must be implemented within 5 years of permit coverage. Municipalities may take credit for any existing programs that they are already doing.
- **MS4 general permit** will be used to regulate MS4s where the DNR has not already started work on developing an individual permit. EPA is recommending the use of general permits, as they are more efficient to develop than individual permits.
- **Annual permit fees** will be adjusted based on population served by the MS4. Some examples of annual municipal fees are Racine - \$10,000 (0.12 pc), West Bend - \$4,000 (0.14 pc), Onalaska - \$2,000 (0.13) and Kohler - \$250 (0.13).

Industrial Permit Program

- **Certification of "no exposure":** All industrial facilities identified must either have industrial storm water permit coverage, or once every 5 years certify that they have no exposure of materials that could contaminate storm water. Potentially, 15,000 industrial facilities are to submit this certification or obtain permit coverage.
- **Current Status:** 5800 facilities have permit coverage.
- **Municipal-owned industrial exemption** has been removed so the requirement for permit coverage of municipal-owned facilities is the same as that for privately-owned facilities.
- **Annual permit fees** will be \$260 for Tier 1 and \$130 for Tier 2 facilities. The fee was \$200/\$100 per facility and is an annual increase of 2.6% from when the fees were first established in 1994.

Construction Site Permit Program

- **Permit threshold** is being lowered from 5 acres to one (1) acre of land disturbance consistent with federal law. Currently, about 500 construction sites of 5 or more acres are regulated and going to one acre is expected to result in having 3000-4000 regulated construction sites statewide.
- **Application, plan development & implementation and inspection requirements** are the same for construction sites of all sizes. However, the BMPs would be different based upon site-specific conditions, which takes into account the amount of area disturbed at a site.
- An **Authorized Local Program (ALP)** is proposed to allow municipalities the ability to provide construction site permit coverage to landowners within their jurisdiction. The municipality must have an equivalent or more stringent erosion control and storm water management ordinance as compared to chs. NR 151 and NR 216 requirements. The ALP will establish its own application fees for providing coverage under the NR 216 construction site permit. The ALP must provide the DNR with annual administration fee of between \$500 - \$3500 depending on the number of sites authorized coverage. The Department retains its authority to enforce against construction sites within an ALP area when necessary.
- **Application fees** will range from \$140 to \$350 per site depending upon the amount of land disturbed. The application fees had been \$200 for all sizes of construction sites.

NR 216 (Storm Water Discharge Permits) Request for NR Board Adoption



Topics Covered

- History
- NR 216 Revision Steps
- Current NR 216 Overview
- Proposed NR 216 Changes to implement EPA Phase II regulations

History

- 1972: Clean Water Act (CWA) covered traditional point sources
- 1987: CWA amended to include storm water (SW) discharges
- 1990: EPA Phase I SW regulations includes municipal, industrial and construction sites
- 1994: NR 216, Wis. Adm. Code
- 1999: EPA Phase II SW regulations
- DNR must revise NR 216 to comply with EPA Phase II regulations

NR 216 Revision Steps

- Fall 2001: s. 283.33, Wis. Stats., revised to allow code changes
- 2002: TAC committee had 6 meetings to discuss proposed changes
- Feb. 2003: NR Board gave hearing approval
- July 2003: 5 public hearings held
- Minor adjustments made based on comments
- Today request NR Board to approve rule

Current NR 216 Regulations (Industrial)

- Industrial Facilities
 - Applies primarily by standard industrial classification (SIC) code
 - Implement site-specific pollution prevention plan and monitor effectiveness
 - 5800 facilities permitted

Proposed NR 216 Changes (Industrial)

- "No exposure" certification
 - Must have no exposure of materials/pollutants
 - No permit required
 - Certify every 5 years
 - Replaces Tier 3 permit for ~1000 facilities
- Municipal-owned facility exemption removed
- Annual permit fees
 - Tier 1: \$260 (was \$200)
 - Tier 2: \$130 (was \$100)
 - 2.6% annual increase from 1994

Current NR 216 Regulations (Construction Sites)

- Applies to 5 or more acres of land disturbance
- Implement site-specific erosion control and storm water management plan
- DNR receives 500 Notices of Intent (NOI) annually
- Exempted by statute
 - DOT projects covered under Trans 401
 - Commerce projects covered under COMM 61.115

Proposed NR 216 Changes (Construction Sites)

- Applicability
 - Permit coverage required for one or more acres of land disturbance (currently 5 acres)
 - Sites under one acre can be required to get coverage (significant discharge of pollution or violation of a water quality standard)
- NOIs continue 14-working day automatic coverage unless otherwise informed
- Written erosion control and storm water management plans continue to be required

Proposed NR 216 Changes (Construction Sites)

- Exemption for routine maintenance projects < 5 acres
- Application fee
 - < 5 acres of land disturbance: \$140
 - 5 to less than 25 acres: \$235
 - 25+ acres: \$350
 - Fee was \$200; 1.6% annual increase since 1994 for a 5-acre site

Proposed NR 216 Changes (Construction Sites)

- "Authorized Local Program" (ALP)
 - Voluntary program for municipality to be an ALP
 - ALP provides state construction site permit coverage on behalf of DNR
 - ALP receives NOI, reviews plans, enforces appropriate ordinances for erosion control and storm water management
 - ALP establishes its own fee system but must provide DNR \$500 - \$3500 annually

Current NR 216 Regulations (Municipal)

- Applies to:
 - Pop. >100,000
 - Great Lake Areas of Concern
 - Priority Watersheds (Pop. > 50,000)
 - DNR designation process
- 23 Municipal Separate Storm Sewer Systems (MS4s) permitted and about 50 more designated

Proposed NR 216 Changes (Municipal)

- MS4 applicability:
 - Automatic for MS4s in "Urbanized Areas" affecting ~ 220 cities, villages, towns and counties in WI
 - 20 MS4s outside of UA where population > 10,000
 - Authority to designate other MS4s where:
 - contiguous to a permitted MS4 and land use criteria met
 - site-specific impairment to waters of the state
 - wasteload analysis shows controls needed to address pollutants of concern

16 Wisconsin Urbanized Areas

Appleton-Neenah	Beloit
Eau Claire	Fond du Lac
Green Bay	Janesville
Kenosha	La Crosse
Madison	Milwaukee
Oshkosh	Racine
Round Lake Beach (IL)	Sheboygan
Superior (Duluth)	Wausau

Example Madison Urbanized Area

- Madison (phase 1 municipality)
- Fitchburg
- McFarland
- Maple Bluff
- Middleton
- Monona
- Shorewood Hills
- portions of 5 towns
- portion of Dane County

Municipalities to be Evaluated for Inclusion

Baraboo	Beaver Dam
Fort Atkinson	Hartford
Manitowac	Marinette
Marshfield	Menomonie
Merrill	Monroe
Plover	Port Washington
River Falls	Stevens Point
Two Rivers	Watertown
Waupun	West Bend
Whitewater	Wisconsin Rapids

Proposed NR 216 Changes (Municipal)

- Streamlined application (Notice of Intent)
- Permit requirements based on EPA 6 minimum control measures (categories)
 - Public education and outreach
 - Public involvement and participation
 - Illicit discharge detection and elimination
 - Construction site pollutant control
 - Post-construction site storm water management
 - Pollution Prevention

Proposed NR 216 Changes (Municipal)

- Exemption for certain MS4s serving a population less than 1,000
- Sample proposed annual permit fees:
 - Pop. 1000-1999: \$250
 - Pop. 10,000-12,499: \$1,500
 - Pop. 400,000+: \$25,000
 - Current annual fees:
 - Pop. < 100,000: \$5000
 - Pop. 100,000+: \$10,000

Main changes from Comments

- Additional information and review required of MS4 application based on federal law and EPA loss of a federal court decision
- MS4 fees readjusted and lowered for most MS4s classes
- MS4 fee calculation does not include population within a Combined Sewer Outfall (CSO) area (lowered fee for Milwaukee, Shorewood & Superior)

NR 216 Program Staff

- Currently have 9.5 storm water positions
- 60 positions to manage program following federal guidance
 - 25 industrial
 - 16 municipal
 - 19 construction
- Proposed fee structure projected to support 20 positions through 2008

250 SITES WILL FUND ONE FTE

TOTALLY PR FUNDED

ORDER OF THE STATE OF WISCONSIN NATURAL RESOURCES BOARD
AMENDING RULES

The Wisconsin Natural Resources Board proposes an order to amend NR 64.14(2)(a) and (b) relating to reimbursement of eligible expenses on all-terrain vehicle trails.

CF-23-03

Statutory authority: ss. 23.33(9) and 227.11(2)(a), Stats.
Statutes interpreted: s. 23.33(9), Stats.

Currently ch. NR 64 sets the maximum amount a trail sponsor receives for reimbursement of eligible expenses for maintaining all-terrain vehicle trails. The proposed rule changes reflect increased costs to sponsors for the maintenance of all-terrain vehicle trails. These cost increases are occurring because of the growth of the activity and the increased maintenance demands in keeping the trails in a safe, rideable condition. The maximum summer reimbursement rate increases from \$220 per mile to \$450 per mile and the maximum winter reimbursement rate increases from \$80 per mile to \$100 per mile.

SECTION 1. NR 64.14(2)(a) and (b) are amended to read:

NR 64.14(2)(a) ~~\$80~~ \$100 per mile for winter maintenance. Trails eligible for winter maintenance shall be maintained and groomed for a total of not less than 2 months nor more than 6 months per year including the months of January and February.

(b) ~~\$220~~ \$450 per mile for summer maintenance. Trails eligible for summer maintenance shall be maintained for a total of not less than 3 months nor more than 8 months per year including the months of June, July and August.

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

SECTION 3. BOARD ADOPTION. This rule was approved and adopted by the State of Wisconsin Natural Resources Board on _____.

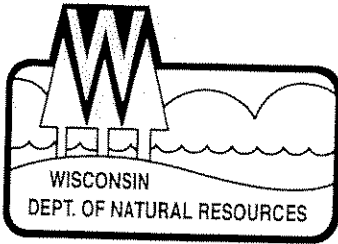
Dated at Madison, Wisconsin _____

STATE OF WISCONSIN
DEPARTMENT OF NATURAL RESOURCES

By _____
Scott Hassett, Secretary

(SEAL)

GASTAX, REG. FEES
1.7 MIL. GENERATED
\$400,000 BOOST



State of Wisconsin \ DEPARTMENT OF NATURAL RESOURCES

Scott McCallum, Governor
Darrell Bazzell, Secretary

101 S. Webster St.
Box 7921
Madison, Wisconsin 53707-7921
Telephone 608-266-2621
FAX 608-267-3579
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August 26, 2003

Mr. Edward J. Wilusz, Director
Government Relations
Wisconsin Paper Council
250 N. Green Bay Road
P.O. Box 718
Neenah, WI 54957-0718

SUBJECT: Order WA-45-02 – Revision to NR 520

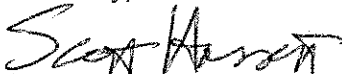
Dear Mr. ^{ED}Wilusz:

Thank you for the memorandum you sent to the Natural Resources Board on August 8, 2003, related to the proposed NR 520 revisions increasing solid waste fees. I appreciate the work you have done with the Department's Waste Management staff and with legislators to address the deficit the program faces in the near future.

It is understandable that you expressed opposition to the proposed rule changes in light of the difficult economic times Wisconsin's industry is facing. Clearly what is proposed will result in some increases for the Mills. Just as your members have had to take cost-saving measures, we too have had to reduce the costs of how we administer our environmental programs. As you point out in the memo, the Waste Management program has demonstrated this further by absorbing any deficit that occurs after fees increase.

As we have in the past, I ask that we continue to work together through these issues in these difficult times. Jointly we will be in a better position to examine economic issues, while preserving and protecting the great natural resources of this State.

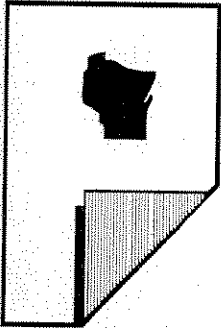
Sincerely,


P. Scott Hassett
Secretary


cc: Trygve Solberg, Chair – Natural Resources Board
J. Hochmuth
S. Bangert

WISCONSIN PAPER COUNCIL

250 N. GREEN BAY ROAD
P.O. BOX 718
NEENAH, WI 54957-0718
PHONE: 920-722-1500
FAX: 920-722-7541
www.wipapercouncil.org



August 8, 2003

MEMORANDUM TO: Natural Resources Board
FROM:  Edward J. Wilusz
Director, Government Relations
SUBJECT: Order WA-45-02 – Revision to NR 520

You will be asked, at the August board meeting, to approve changes to NR 520 relating to solid waste fees. The fee increases included in the rule include:

- A 10% across the board increase in plan review and license fees, effective October 1, 2004, and
- An increase in the tipping fee surcharge, currently nine cents per ton, to twelve cents per ton on April 1, 2004, then to fourteen cents per ton on July 1, 2004, and fifteen cents per ton on July 1, 2005.

These fee increases are proposed to address a projected deficit in the solid waste program. To a large extent, the potential deficit is the result of legislative action, not Department action. The Department has made a good effort to control costs and improve the efficiency of the landfill program. The Department is in the process of developing changes that will streamline solid waste regulatory procedures. This is positive. And a commitment has been made to absorb any deficit that results, even after the fee increases, through internal cost-cutting measures. Again, positive.

We worked closely with DNR staff throughout the rule development process, looking for alternatives to fee increases. We even sought a transfer of funds from the Legislature that would have avoided the need for fee increases. Unfortunately, we were not successful.

In the end, the fact remains that these are fee increases. The paper industry in Wisconsin is facing very difficult economic challenges. The price for our products has, in general, remained flat or declined for a number of years. Yet our costs continue to increase. Mills are taking dramatic cost-saving measures to remain competitive. The industry is simply not in a position to absorb fee increases. For this reason, we must oppose the proposed fee increases in NR 520.

cc: Scott Hassett, Secretary
Sue Bangert, Bureau of Waste Management

Information for Legislative Briefing on Solid Waste Fee Increases

- Current Solid Waste Plan Review and License Fees and Landfill License Fee Surcharge Schedule has been in effect since 1997. (A modification occurred in 1998 regarding combustors and incinerators.) Current tip fee surcharge = \$3.75/ton (\$3/ton Recycling Fee, \$.75/ton Environmental Fund).
- FTE reductions from 2003-05 Biennial Budget enacted by Legislature (12 FTE cut)
 - About 60% reduction of positions funded from Env. Fund (10 FTE cut)
 - About 12% reduction of positions overall in the Waste Mgt. Program
- FTE reductions since 1996 (thru FY03) of positions doing solid waste work
 - About 35 % reduction (From 52 FTE down to 34 FTE)
- Types of work activities done in Solid Waste Mgt. Program
 - Review and approval of plans and reports associated with siting and licensing landfills and other solid waste facilities
 - Perform landfill and other solid waste facility inspections and evaluations for initial siting, initial licensing, site certification, construction inspections, environmental audits, and general surveillance
 - Perform complaint response and investigations
 - Perform enforcement related activities at landfills and other solid waste facilities
 - Development of solid waste rules, policies, procedures and guidance
 - Develop and provide technical assistance and information for internal and external audiences, including providing technical training
 - Prepare outreach information for external audiences, including Websites, newsletters, factsheets, publications, presentations, etc.
 - Develop and maintain data systems to define and quantify solid waste, track solid waste facility licensing and locational information, track project submittals and review status, and track and evaluate environmental monitoring data.

Streamlining Efforts

- 1998 Solid Waste Plan Review Streamlining Effort with stakeholders
 - 2003 Multi-step stakeholder process to streamline Solid Waste plan review = future rule revisions for improvement
- HOW BEST TO
MANAGE THE PROGRAM*

Stakeholder Involvement

- Worked with group of stakeholders to develop fee proposal
- Issue of maintaining current level of service from Department is critical to stakeholders
- Appreciated the fact that Waste Program was willing to take cuts to maintain positive balance in account, rather than proposing larger fee increases
- Majority of workgroup members stated they would not oppose fee increases – although would not go on record as being in support of fee increases

Proposed revisions to fees:

- 10% increase to Plan Review and License Fees
 - Annual adjustment to Landfill License Fee Surcharge for FY04,05,06 – Result in 6 cents/ton increase
 - Surcharge Fee Currently = 9 cents/ton
 - April 1, 2004 = 12 cents/ton
 - July 1, 2004 = 14 cents/ton
 - July 1, 2005 = 15 cents/ton
- } FEE INCREASES
- Beginning in calendar year 2004, DNR will hold public meeting annually in September to review status of program revenue account
 - Beginning in FY 2005, if the account balance at end of previous fiscal year is greater than 8% of expenditure level of the program revenue account authorized in Chapter 20, DNR will submit proposed rule revisions to modify surcharge fee to more closely align revenues with expenditures. Proposed rule revisions will be submitted to DNR board within 180 days of public meeting

FTE Reductions without Fee Increases

- Decrease by 2 FTE in FY04
- Decrease by 6 add'l FTE in FY05
- Decrease by 1 add'l FTE in FY06
- Due to lower tonnage rates and delayed effective date of rules, will likely still need to cut 1 FTE to maintain positive balance in account, even with fee increases

RECOMMENDATIONS FROM 2003 PLAN REVIEW STREAMLINING

1. Keep decision making for Needs and the technical aspects of landfill siting in the hands of DNR.
2. Improve Needs process through issuance of Department guidance that would clarify and document expectations and procedures to be followed.
3. Pursue code, (and, if necessary, statutory changes) to Alternatives to Landfilling so that the process adds value.
4. Change current administrative code language so that, where appropriate, borrow soil testing can be reduced. Also, allow testing results to be submitted closer to the time of landfill construction.
5. Through code revisions, expand existing expedited plan modification process to include certain non-landfill facilities and non-liner construction documentation. Also, eliminate current wording that excludes from expedited process those proposed changes that would result in a violations of existing conditions of approval.
6. Pursue code changes (and, if necessary, statutory changes) that would allow reviewers more discretion to declare as complete those Feasibility submittals that are substantially complete.
7. Consider changes that would make self implementing provisions of NR 538 applicable to more waste streams and to mixtures of waste streams. Also consider additional end uses.
8. Consider changes to NR 502 that would make approval and licensing of lower-risk non-landfill facilities self implementing.
9. For proposed landfill expansions, pursue code changes that would require plan of operation submittals to contain a listing and assessment of each existing condition of approval followed by a recommendation regarding its fate. Also, establish a system whereby all conditions of approval for a landfill are numbered sequentially, and a master list of all conditions continuously maintained.
10. Waste Program should issue guidance to staff that, where appropriate, encourages sharing of draft approvals with externals and provides procedures to be followed when doing so.
11. Eliminate current code provision that, as part of annual landfill relicensing, requires repeated submittal of deed notation.

Total Tons Landfilled

	<u>1997</u>	<u>1998</u>	<u>1999</u>	<u>2000</u>	<u>2001</u>	<u>2002</u>
MSW LFs	7,503,018	8,124,687	8,261,156	8,295,165	8,827,076	8,790,595
Ind. LFs	<u>1,911,826</u>	<u>2,186,388</u>	<u>1,592,841</u>	<u>1,542,073</u>	<u>1,460,047</u>	<u>1,331,322</u>
Total	9,414,844	10,311,075	9,853,997	9,837,238	10,287,123	10,121,917

Exempt Tonnage*

MSW LFs	1,154,916	1,409,556	1,248,895	1,234,981	1,130,497	1,595,890
Ind. LFs	<u>136,353</u>	<u>235,489</u>	<u>229,130</u>	<u>194,305</u>	<u>227,756</u>	<u>256,410</u>
Total	1,291,269	1,645,045	1,478,025	1,429,286	1,358,253	1,852,300

Out-of-State*

MSW LFs	461,360	1,338,593	1,378,911	1,422,703	1,490,815	1,393,770
Ind. LFs	<u>3,932</u>	<u>1,422</u>	<u>7,323</u>	<u>14,720</u>	<u>2,703</u>	<u>4,645</u>
Total	465,292	1,340,015	1,386,234	1,437,423	1,493,518	1,398,415

* both are included in "Total Tons Landfilled" at top of spreadsheet

Solid Waste Fees (18)
NATURAL RESOURCES BOARD AGENDA ITEM

Item No. _____

SUBJECT: Adoption of Order WA-45-02 - revision of Chapter NR 520, Wis. Adm. Code, pertaining to solid waste fees.

FOR: AUGUST 2003 BOARD MEETING

TO BE PRESENTED BY: Colleen Hellenbrand

SUMMARY:

Revisions are being proposed to Ch. NR 520 pertaining to Solid Waste Plan Review and License Fees. The current fee schedule has been in effect since 1998. Despite improving the efficiency of program services delivery, a deficit in the solid waste program revenue account is anticipated in FY 2004 and beyond. To remedy this situation, we have proposed revisions to the solid waste plan review and license fees, and the landfill license fee surcharge. The proposed revisions were developed to address feedback from a workgroup comprised of stakeholders most directly impacted by the rule revisions. Although the workgroup did not reach consensus on the need for fee schedule revisions, they were not opposed to the Waste Program proceeding with draft rules to deal with the program revenue account deficit. The Waste Program also agreed to continue to work on streamlining plan review and other program aspects. The proposed rules include a 10% increase in FY05 to the plan review and license fees (which is projected to bring in an additional \$128,850 per year) and adjustments to the landfill license fee surcharge, which would go into effect in FY04. This fee is currently set at 9 cents/ton of solid waste landfilled. Under this proposal, this fee is adjusted annually to prevent deficits in the solid waste program revenue account through FY06. The proposed fee would be 12 cents/ton in FY04, 14 cents/ton in FY05, and 15 cents/ton in FY06. The proposal also includes a provision which requires rule revisions be initiated if the account balance is greater than 8% of the statutorily authorized expenditure level. The majority of the comments received on the proposed rule revisions were opposed to the fee increases because of the Recycling Fund balance and the tipping fee used to generate that revenue. During the 2003-05 Budget process, several groups were unsuccessful in their attempts to have the legislature transfer part of the recycling fund surplus to this program revenue account. Since without the fee increases, the number of positions which could be supported by solid waste program revenue would decrease by 2 FTE in FY04, 6 add'l FTE in FY05, and 1 add'l FTE in FY06, we recommend that the Board approve these fee increases.

RECOMMENDATION: Approve the proposed revisions to Chapter NR 520.

LIST OF ATTACHED MATERIALS:

- | | | | | | |
|----|-------------------------------------|---|-----|-------------------------------------|----------|
| No | <input type="checkbox"/> | Fiscal Estimate Required | Yes | <input checked="" type="checkbox"/> | Attached |
| No | <input checked="" type="checkbox"/> | Environmental Assessment or Impact Statement Required | Yes | <input type="checkbox"/> | Attached |
| No | <input type="checkbox"/> | Background Memo | Yes | <input checked="" type="checkbox"/> | Attached |

APPROVED:

Suzanne Bangert
Bureau Director,

Joyce J. Hochmuth
Administrator,

Scott Hassett
Secretary, Scott Hassett

7/10/03
Date

7/10/03
Date

7/17/03
Date

cc: Linda Jahns - AD/5

Suzanne Bangert - WA/3

Colleen Hellenbrand/Dennis Mack - WA/3

Dan Graff - LS/5

Carol Turner - LS/5

DATE: July 14, 2003

FILE REF:

TO: Natural Resources Board Members

FROM:  Scott Hassett

SUBJECT: Background Memo on Proposed Revisions to Ch. NR 520 Solid Waste Program Fees

I. WHY RULES REVISIONS ARE BEING PROPOSED

These rule revisions are being proposed to prevent a deficit in the solid waste program revenue account in fiscal year 2004 and beyond. The current fee schedule for solid waste plan review and license fees has been in effect since 1998. Notwithstanding a variety of efforts to improve the efficiency of the delivery of Waste Program services (as detailed in Attachment A), we are projecting an ever increasing deficit in the program revenue account beginning in FY 2004, unless the current fee schedule is revised.

Over the years, the Waste Management Program has used general purpose revenue funded positions to perform solid waste plan review and licensing work. Because general purpose revenue has decreased, we can no longer rely on that funding source to support program revenue related work. For example, in the 2001-03 Biennial Budget, four positions were moved from general purpose revenue to program revenue. In addition, the 2003-05 Biennial Budget as enacted by the legislature cuts 12 positions from the Waste Management Program. Four of those cuts were contained in the Governor's proposed budget, and 8 additional cuts were added by the legislature. The Governor's line veto authority can not be used to restore the cuts.

A work group was formed in the spring of 2002 to assist Department staff in identifying and reviewing proposed fee revisions and other potential beneficial changes to ch. NR 520. The workgroup was comprised of stakeholders most directly impacted by the rule revisions. The workgroup met four times since April 2002. In addition, we kept the members of Solid Waste Technical Advisory Committee and owners of licensed solid waste facilities apprised of the workgroup's efforts. The workgroup members are listed in Attachment B.

Although the workgroup did not reach consensus on the issue of fee increases, they were not opposed to the Department proceeding with draft rules to address the deficit in the program revenue account. The proposed rule revisions apply to plan review and license fees, and the landfill license fee surcharge. At the same time, we will continue to work on streamlining the plan review process and other program aspects. At this time, the workgroup does not support adoption of the proposed rule revisions. Waste Program managers will continue their dialogue with the workgroup and other stakeholders to explore options for addressing their concerns prior to the Board meeting on August 13th.

II. SUMMARY OF THE RULE

The Department has statutory authority to adopt by rule a graduated schedule of reasonable fees to be charged for solid waste license and review activities. The current fee schedule has been in place since 1998. It presently generates approximately \$2.1 million per year. That revenue stream, plus an account surplus that accumulated in previous years, funds 32.5 FTEs who work

on activities such as plan review, inspections, technical assistance, outreach, and policy development.

The other 66 FTE in the Waste Management Program are funded by a variety of sources, including the Environmental Fund (\$1,113,700/year) the Recycling Fund (\$877,300/year), Federal Grants (\$1,571,500/year), and GPR (\$1,146,800/year). In FY95 there were a total of 130 FTE in the program. In FY03, there were 98.5 FTE in the program. In FY04 the number of FTE will drop to 94.5, and possibly an even lower figure depending on the outcome of the Governor's review of the 2003-05 Budget enacted by the legislature. Attachment C shows the amount of revenue and number of FTE by funding source for the Waste Management Program since FY00.

As a result of the projected deficit discussed above, the Waste Program is proposing a 10% increase in plan review fees and annual license fees for landfills, other solid waste facilities, and solid waste collection and transportation services. The new fee schedule would go into effect on October 1, 2004. Since these fees were last revised in 1998, inflation has amounted to about 10% since then. In FY02, the Waste Program received \$1,288,528 of solid waste plan review and license fees. Increasing these fees by 10% would bring in approximately \$128,850 of additional program revenue.

The Waste Program is also proposing to revise the landfill license fee surcharge. Currently, the surcharge fee is set at 9 cents per ton of solid waste landfilled during each quarterly reporting period. This fee initially went into effect at 10 cents per ton in July 1996 subject to a sunset in December 1997. The fee became permanent at 9 cents per ton in October 1997.

Under the proposed rule revisions, the fee is adjusted annually based on the amount of revenue needed (in addition to the plan review and license fees) to cover the costs of the 32.5 FTEs funded by the solid waste program revenue account. The proposed fees for FY04, FY05 and FY06 are calculated using projected revenues and expenditures during those periods. The adjusted fees would go into effect on April 1, 2004. The proposed rule also contains provisions requiring:

- 1) A public meeting be held annually on the status of, and the projections for, the program revenue account; and
- 2) The Board be provided a proposal on a timely basis to revise the surcharge fee to more closely align revenues with expenditures if the account balance in FY05 and beyond is greater than 8% of the expenditure level for the program revenue account that is authorized in s. 20.370(2)(dg), Stats.

See Attachment D for the amounts of the proposed surcharge fees and the projected account balances from FY04 through FY06. Attachment E lists activities performed by Waste Program staff funded by the program revenue account.

III. EFFECT OF THE RULE ON EXISTING POLICY

The change in the fee structure is consistent with s. 289.61 Wis. Stats., which directs the Department to establish rules to recover the cost of implementing the solid waste plan review and licensing program through direct fees.

IV. HEARING SYNOPSIS

On January 21 and 22, 2003, public hearings on the proposed revisions to ch. NR 520 were held at two locations – Madison and Stevens Point. Attendance was limited - 4 people in Madison and 3 in Stevens Point. Two people chose to speak in Madison and one in Stevens Point, and two of them also submitted written comments. We also received a number of additional written comments. Most of the comments opposed the fee increases and focused on the need for the Department to find ways to cut costs and become more efficient, and to look into the use of Recycling Fund money to help with the proposed deficit in the Program Revenue account. A comprehensive Public Comment and Response Report is included as Attachment F.

Following the public hearings, the Department held two additional meetings with stakeholders. On March 13, 2003, a meeting was held with the members of the workgroup (See Attachment B) who worked with the Waste Program while developing the proposal. We also invited representatives of the recycling community to this meeting. The purpose of the meeting was to review comments we had received on the proposed fee package; discuss concerns with the fee package; discuss possible impacts on the Waste Management Program if the fee increases are not approved; discuss the potential impacts of the proposed 2003-2005 Biennial Budget; and discuss proposals for using the Recycling Fund and other mechanisms to address the Solid Waste Program Revenue deficit. On March 26, 2003, we held a meeting with members of the Solid Waste Technical Advisory Committee and owners of licensed solid waste facilities. The purpose of that meeting was to discuss the proposed fee schedule adjustment, and to determine if there were any other feasible options for addressing the upcoming program revenue account deficit. On July 16th the Department will meet with the workgroup to discuss this greensheet package and explore options for addressing their concerns. Depending on the outcome of those discussions, another stakeholder meeting may be held prior to the August Board meeting.

V. CONTROVERSY SURROUNDING THE PROPOSED RULES

Most of the feedback offered on the rule revisions has not supported the proposed fee increases, especially the increase in the landfill license fee surcharge. Most of the controversy stems from the issue of money being diverted by the Legislature from the Recycling Fund to the General Fund, and to defray CWD management costs. This is an issue because approximately 60% of the revenue going into the Recycling Fund is from a \$3/ton tipping fee on solid waste disposed of in landfills in Wisconsin. This same group of stakeholders who pay the \$3/ton recycling fee would also be impacted by the proposed increases to the solid waste fees. They are concerned because they believe that if there is a surplus in the Recycling Fund, they are probably paying too high of a Recycling Fund tipping fee. Instead of raising the solid waste fees, they believe the Legislature should authorize the Department to use some of the surplus in the Recycling Fund to deal with the projected deficit in the Solid Waste Program Revenue account.

To address these concerns, we met twice with the affected stakeholders, including representatives of the recycling community. We explained that we had not considered using money from the Recycling Fund as an option when we were developing the proposed rule package, since we are statutorily prohibited from using those funds for activities not related to recycling. Any use of the Recycling Fund money would require a change in the statutes, which is usually quite a lengthy process, with an uncertain outcome. To help recycling stakeholders understand this situation (and several other recycling related issues), on March 20, 2003, the Department sent a letter to the 1065 Responsible Recycling Units in the state (Attachment G). Efforts to convince the legislature of the merits of this approach were unsuccessful.

Given this background, we have indicated to stakeholders that we do not feel we can delay this rule package, since we are facing a significant deficit in the near future. Without the fee increases, within two years the Waste Management Program will lose funding for 8 positions, and within three years funding for one additional position will be lost. This is a significant decrease in the number of staff available to do solid waste work. Such a reduction would have a considerable impact on the products and services we could deliver to customers and stakeholders.

Another common theme in the comments opposing the fee increase was that the Waste Management Program, instead of raising fees, needs to make improvements in efficiency through streamlining and other cost saving measures to address the projected deficit. To address this issue, we have shared with stakeholders the work the Waste Management Program has done in the past on streamlining, and the streamlining process we are currently involved in.

The process to develop the streamlining measures is currently three quarters complete. A final meeting with stakeholders will occur in July or August of this year. Following this meeting, we will immediately begin work on appropriate guidance and rule changes as well as initiate discussions on the feasibility of identified statutory changes. Although we anticipate that some of the changes can be made quickly, the full extent of the streamlining process will become evident over the next two years.

As mentioned above, without the fee increases, we are facing a significant cut in staffing levels beginning in FY04. Staff levels in the solid waste program and the Waste Management Program as a whole have substantially declined since the mid-90's, going from 52 FTEs to 38 FTEs and 130 FTEs to 99 FTEs, respectively. We are also facing other cuts in the Waste Management Program due to proposals in the 2003-05 Biennial Budget. In the proposed Governor's version of the budget, 4 FTE must be cut from the Waste Management Program - 2 FTE from Recycling and 2 FTE from the Environmental Fund. In the budget adopted by the Legislature last month, 8 additional FTE would have to be cut from the Environmental Fund in the Waste Management Program, for a total of 12 FTE. The Governor's line veto authority can not be used to restore the cuts.

We will not be able to continue to operate a satisfactory solid waste management program and provide the level of service that stakeholders expect from us if we have to deal with the upcoming program revenue deficit through additional staffing cuts.

Further information to consider is that the prevalent cost to dispose of waste at large landfills in Wisconsin ranges from \$18/ton to \$60/ton (based on 1999 figures). The following tipping fees are authorized by statute to provide revenue to various State programs:

Groundwater Fee -	\$0.10/ton
Well Compensation Fee -	\$0.04/ton
Solid Waste Facility Siting Board Fee -	\$0.017/ton
Environment Repair Fee for Generators -	\$0.50/ton
Recycling Fund Fee -	\$3.00/ton
Landfill License Fee Surcharge -	<u>\$0.09/ton</u>
Total	\$3.747/ton

The 3 cents up to 6 cents per ton landfill license fee surcharge adjustment being proposed only represents an increase of 0.17% to 0.33% at the \$18/ton level and 0.05% to 0.10% increase at the \$60/ton level of the cost to dispose of waste at landfills.

VI. ENVIRONMENTAL ANALYSIS

Under the provisions of s. NR 150.03(6)(b)3.b Wis. Adm. Code, Environmental Analysis and Review Procedures for Department Action, this is a Type III action, since the implementation will not have material adverse impacts on the human environment, and the Department has limited discretion in formulating important provisions of its rules. Therefore, under s. NR 150.03(6)(b)3.b., an environmental assessment is not required.

VII. SMALL BUSINESS ANALYSIS

The Department does not believe that the proposed revisions to these Solid Waste Management Rules (NR 500 Series) will have a significant economic impact on a substantial number of small businesses. In general, these revisions affect municipalities and larger businesses. The small businesses that would most likely be impacted by the fee increases would be solid waste collection and transportation facilities. The proposed 10% increase in annual license fees would apply to these businesses. These fees have not been raised for six years.

ATTACHMENT A

Accomplishments by and Improvements to the Solid Waste Program Over the Last 10 Years

- First State to get authorization from EPA to administer Subtitle D of the Resource Conservation and Recovery Act
- Completed major overhaul of Solid Waste Management Administrative Codes:
 - Reduced Initial Site Report requirements and added optional Pre-Feasibility Report
 - Reduced geotechnical investigation and borrow site characteristics for Feasibility Reports
 - Reduced and clarified clay specs
 - Reduced monitoring to semi-annual from quarterly
 - Reduced clay borrow testing
 - Reduced design detail required in Feasibility Reports
 - Addressed use of captive insurers for financial responsibility requirements
 - Obtained significant variances from EPA beneficial to stakeholders
 - Added expedited plan modifications and subsequently expanded it
 - Added expedited plan review fee system
 - Simplified proof of financial responsibility formulas and reduced \$ amounts required
- Developed NR 538 and successfully implemented beneficial use program statewide
- Implemented a decentralized plan review program as favored by stakeholders
- Significantly increased the transparency of Solid Waste Program operations and finances by reporting out at semi-annual Technical Advisory Committee Meetings for the past 5 years
- Completed technical guidance important to stakeholders (Groundwater Monitoring, GCLs, Air Issues, Building on Abandoned Landfills)
- Developed Internet and Intranet Sites to efficiently transfer information to staff and stakeholders
- Prioritized solid waste plan reviews such that, in large majority of cases, we provide quick approvals of siting-related submittals and those necessary for continued filling

ATTACHMENT B

Program Revenue/Fees Workgroup Members

Name	Affiliation
Ed Wilusz	Wisconsin Paper Council
Andy Gilbert	Stora Enso North America
Alan Roof	Monroe County Solid Waste Dept.
Mark Halleen	Foth & Van Dyke
Ron Hermes	National Solid Wastes Management Association, WI Chapter
Jerry Mandli	Dane County Solid Waste Dept.
Phil Stecker	Outagamie Solid Waste Dept.
Dennis Mack	DNR, Bureau of Waste Management
Colleen Hellenbrand	DNR, Bureau of Waste Management

Attachment C
Revenue by Funding Source
Waste Management Program

Fiscal Year	FY 2000	FY 2001	FY 2002	FY 2003
GPR				
Dollars	\$1,584,900	\$1,606,196	\$1,341,543	\$1,218,109
FTE	21.5	21	15	15
Program Revenue				
Dollars	\$1,957,000	\$1,981,262	\$2,652,638	\$2,675,300
FTE	28.5	28.5	32.5	32.5
Mining				
Dollars	\$282,450	\$285,390	\$264,912	\$264,700
FTE	2	2	2	2
Federal Grant				
Dollars	\$2,030,247	\$2,120,937	\$2,120,937	\$2,120,937
FTE	25	25	22	22
GW Seg				
Dollars	\$373,500	\$378,714	\$367,418	\$370,400
FTE	5	5	5	5
Env. Seg				
Dollars	\$765,200	\$757,382	\$768,241	\$768,400
FTE	10	10	10	10
Recycling				
Dollars	\$891,600	\$867,012	\$768,241	\$893,800
FTE	12	12	12	12

ATTACHMENT D
Proposed Solid Waste Surcharge Fees and Actual/Projected Account Balances (1)
FY00 thru FY06

	FY 00	FY 01	FY02	FY 03	FY 04	FY 05	FY 06
Beginning Account Balance	\$836,986	\$1,207,066	\$1,344,541	\$902,702	\$460,431	-\$53,365	-\$125,877
Revenues from Current Plan Review and License Fees	\$1,608,287	\$1,482,780	\$1,317,336	\$1,300,000	\$1,300,000	\$1,300,000	\$1,300,000
Proposed Add'l Plan Review & License Fee Revenue						\$128,850	\$128,850
Revenue from Current Surcharge Fee of 9 cents/ton	\$804,020	\$808,733	\$806,011	\$775,000	\$775,000	\$775,000	\$775,000
Proposed Add'l Surcharge Fee Revenue (Proposed additional fee in cents/ton) (2)					\$64,500 (3.0 Cents) (3)	\$430,000 (5.0 Cents)	\$516,000 (6.0 Cents)
Total Revenue from Plan Review, License and Surcharge Fees	\$2,412,307	\$2,291,513	\$2,123,347	\$2,075,000	\$2,139,500	\$2,633,850	\$2,719,850
Expenditures	-\$2,042,227	-\$2,154,038	-\$2,565,186	-\$2,517,271	-\$2,653,296	-\$2,706,362	-\$2,760,489
Ending Balance	\$1,207,066	\$1,344,541	\$902,702	\$460,431	-\$53,365(4)	-\$125,877(4)	-\$166,516(4)

(1) The table has been updated to reflect more current tonnage rates. The proposed fee increases remain the same as those presented at the rule hearings in January 2003.
(2) Surcharge Fee Calculated Assuming 8.6 million tons of waste landfilled per year
(3) Assumes new surcharge fee in place for the last quarter of the FY04 (Effective date of April 1, 2004)
(4) The deficits will be managed through expenditure reductions, holding of vacancies, and, as a last resort, layoffs of permanent staff

FUNDING SOURCES FOR FTE IN THE WASTE MANAGEMENT PROGRAM

	FY99	FY00	FY01	FY02	FY03	FY04(6)	FY05(6)
FTEs on Solid Waste Program Revenue	28.5	28.5	28.5	32.5(5)	32.5	32.5	32.5
FTEs on GPR	21.5	21.5	21	15	15	15	15
FTEs on Recycling Fund	13	12	12	12	12	12	10
FTEs on Federal Haz. Waste Grants	28	25	25	22	22	21	21
FTEs on other Waste Mgmt. Program Accounts (Env. Seg, GW Seg, Mining)	15	17	17	17	17	15	15
Total # of FTEs in Waste Mgmt Program	106	104	103.5	98.5	98.5	95.5	93.5

(5) The Budget Repair Bill enacted in August 2001 added 4 FTE to this funding source and deleted 4 FTE on GPR

(6) These figures are estimates that assume the Governor's Budget Proposal is enacted

ATTACHMENT E

Activities Performed by Program Revenue Funded Staff

Plan Review and Licensing

- Review of plans and reports associated with siting and licensing landfills and other solid waste facilities
- Prepare notices, attend hearings
- Attend meetings with landfill or other solid waste facility owners, consultants, etc on siting, licensing or operating related issues
- Prepare determinations, approval letters and other correspondence related to siting, licensing and operating landfills or other solid waste facilities
- Review closure and long-term care financial responsibility cost estimates and proof mechanisms

Inspection/Compliance Assistance

- Perform landfill and other solid waste facility inspections and evaluations for initial siting, initial licensing, site certification, construction inspections, environmental audits, and general surveillance
- Perform complaint response and investigations

Enforcement

- Perform enforcement related activities at landfills and other solid waste facilities, such as preparation of Notice of Noncompliance letters and Notice of Violations; attending enforcement hearings; case preparation; and all activities associated with referrals to the Department of Justice

Policy Development

- Development of solid waste rules, policies, procedures and guidance

Technical Support

- Develop and provide technical assistance and information for internal and external audiences, including providing technical training

Outreach, Information and Education

- Prepare outreach information for external audiences, including newsletters, factsheets, publications, etc.
- Make presentations at workshops, conferences, etc.
- Develop and maintain Websites

Data Management

- Develop and maintain data systems to:
 - define and quantify solid waste
 - track solid waste facility licensing and locational information
 - track project submittals and review status
 - track and evaluate environmental monitoring data from landfills and other solid waste facilities

ATTACHMENT F

HEARING EXAMINER'S REPORT AND SUMMARY OF COMMENTS ON THE PROPOSED RULE

Hearing Examiner's Report

In December 2002, the Natural Resources Board authorized the Department to hold hearings and solicit public comments on the proposed revisions to Ch. NR 520 pertaining to solid waste license and plan review fees. On January 21 and 22, 2003, public hearings on the proposed revisions to the NR 500 series were held at two locations – Madison and Stevens Point. The hearing examiner at both public hearings was Dan Graff. Other Department of Natural Resources staff attending the hearings were: Madison – Colleen Hellenbrand, Dennis Mack and Suzanne Bangert; Stevens Point – Colleen Hellenbrand, Dennis Mack, Len Polczynski and Carole Schmidt. Attendance at both hearings was limited – 4 non-DNR people attended in Madison and 3 in Stevens Point. One registered in support, three registered “as interest may appear,” two registered in opposition, and one submitted a blank registration slip. Three people presented oral comments. Written comments were accepted through January 29, 2003. Seven companies, trade associations, and local governments submitted comments. Following the public comment period the Department held two meetings with stakeholders to discuss the comments. The topics included use of Recycling Fund money to deal with the Program Revenue Account deficit; and dealing with the deficit through streamlining and other efficiency measures, instead of increasing fees.

Summary of Comments

A. COMMENTS RELATED TO USE OF THE RECYCLING FUND

The Department received a number of comments in opposition to the fee increases that related to the use of the Recycling Fund money to deal with deficit in the Solid Waste Program Revenue Account. They were critical that the Recycling Fund, which is in part funded by a tip fee, has a balance, which is being used for non-waste related expenditures. They suggested that the Recycling Fund balance be used to supplement the Waste Management Program budget shortfall. One commenter suggested reducing the Recycling Fund tip fee surcharge, and that reduction could then be used to fund the Program Revenue tip fee increase. (National Solid Wastes Management Association (NSWMA), Marinette County, Onyx Environmental Services)

Response

One reason for stakeholders' opposition to an increase in the landfill license fee surcharge is that, in addition to the landfill license fee surcharge, they are required to pay a \$3/ton tipping fee which goes into the Recycling Fund. The Recycling Fund, which also gets revenue from a business surcharge, has a balance, and over the years funds from this account have been transferred to the General Fund. Recently, the Legislature reallocated money from the Recycling Fund to pay for CWD related expenses incurred by the Department. Instead of raising the landfill license fee surcharge, they would like to use some of the Recycling Fund balance to supplement the Program Revenue account.

When faced with a projected deficit in the Solid Waste Program Revenue account, both now and in the past, the Waste Management Program did not consider use of the

Recycling Fund money as an option that was available. Provisions in the statutes indicate that these funds not be used for non-recycling related activities.

Until FY03, a large balance in the Solid Waste Program Revenue account existed. This changed very quickly when the 2001-2003 Biennial Budget Bill shifted funding for 4 FTE from General Purpose Revenue to Program Revenue, as a way to help deal with the state's budget deficit. Because of the additional positions being funded from the Program Revenue account, the revenue projections show a deficit in the account in 2004. To maintain the level of service we have been providing, we needed to resolve this problem quickly by increasing the fees that are the source of revenue for this account.

Any use of the Recycling Fund money would require a change in the statutes. Such changes involve a lengthy process, and the outcome is uncertain. We do not believe we can delay this proposed rule package, since we are facing a significant deficit in the near future. Currently, 32.5 positions are funded from the Solid Waste Program Revenue account. Without the fee increases, the account could only support 30.5 positions in FY04, 24.5 positions in FY05, and 23.5 positions in FY06. This is a significant decrease in the number of staff available to do solid waste work. Such a decrease would have a considerable impact on the products and services we could deliver to customers and stakeholders.

B. COMMENTS RELATED TO STREAMLINING AND OTHER COST SAVING MEASURES

The Department received a number of comments relating to use of streamlining and other cost saving measures as a way to deal with the deficit. These comments stated that the State of Wisconsin must look at staffing levels and examine inefficiencies, and make the same tough decisions being made at the local level. All levels of government are being asked to do more for less, and the comment suggested that the Department investigate all alternatives before increasing fees. (City of Beloit)

Onyx Environmental Services had the following comments: They believe that owners of Subtitle D landfills have a responsibility to work closely with the agency to administer and regulate the industry. Cooperation with the Bureau of Waste Management will lead to more innovative and higher quality environmental outcomes and reduced transactional costs. They encouraged the Department to work on reinvention and continuous quality improvement. They stated that the regulated community has a responsibility to support its host agency with reference to adequate staffing levels, and that the landfill owner is not well served if the Solid Waste Bureau is unable to provide appropriate oversight and service. They went on to suggest that all state agencies, including DNR, must be prepared to accept reasonable downsizing in these difficult financial times. Onyx applauded recent work in the Waste Management Bureau related to the Environmental Management System (EMS) policy initiative and streamlining. However, the regulated community is anxious to see specific outcomes from the initiative lead to decreased transactional costs and more efficient program administration. Onyx stated they understand the need to operate the solid waste program within a budget, but do not believe that an increase in the landfill license fee surcharge is an appropriate means for balancing the solid waste program budget. An increase in the surcharge is essentially an additional tax burden on the people and businesses

of Wisconsin, and Onyx believes the WDNR should find an alternative means of ensuring the solid waste program does not operate at a deficit.

NSWMA's Wisconsin chapter lobbyist was a member of the work group that met during the past year to develop the proposed rule. They thanked the Bureau of Waste Management staff for bringing together interested parties in the development of the proposal. They stated that while they do not always agree with the Department on issues relating to the waste industry, they recognize the importance of an open and continued dialogue between the two parties. They commented that it is important that the Waste Management Bureau begin a concerted and comprehensive review of its policies and procedures to become as efficient and cost effective as possible with a goal to eliminate any unnecessary costs.

The Wisconsin Paper Council had the following comments: The Department has made a good effort to control costs and improve the efficiency of the landfill program. And, to a large extent, the potential deficit is the result of legislative action, not Department action. Despite this situation, it is important that the Waste Management program closely examine additional steps to streamline the landfill regulatory process before additional fees are considered. Internal and external advisory groups are looking into additional streamlining changes. This process must be successfully completed with the goal of avoiding any future fee increases. While timing is a concern, a focused streamlining effort could be completed without risk of the program realizing a deficit

Response

The Waste Management Program is committed to implementing streamlining measures wherever possible to improve the efficiency of delivering program services. Over the past decade we have made significant process improvements including: development and expansion of the expedited plan modification process; changes to the front end of the siting process; self-implementing beneficial reuse codes; lessened feasibility design and borrow source characterization requirements; reductions in groundwater monitoring frequency; focus on more environmental audits and construction inspections and less desk review; and implementing a more decentralized plan review process. (See Attachment A for more detailed information.). In addition, we are now in the midst of another comprehensive plan review streamlining effort. This process began approximately two years ago with discussions amongst a small group of Waste Management Program managers including the Bureau Director. At the November 2002 Solid Waste Advisory Committee meeting, we outlined plans for a multi-step process that would provide for broad internal and external stakeholder involvement. The first of four meetings was held December 9, 2002 and the second meeting on March 3, 2003. The third meeting is targeted for late April, with the fourth and last meeting to be held in June of 2003.

Immediately following this, we will begin work on appropriate guidance and rule changes, and initiate discussions on the feasibility of identified statutory changes. Although we anticipate that some of the changes can be made quickly, the full extent of the streamlining process will become evident over the next two years.

Implementing streamlining measures does not necessarily correlate to a significant decrease in the number of staff needed to implement the solid waste management program. Even though efficiency measures are implemented, the workload presently is greater than the current staffing levels. Stakeholders continue to have high expectations

for service. Much of the work is geared toward prevention of pollution that would otherwise only begin to manifest itself decades from now. Staffing needs cannot be judged or based, solely on the length of time it takes us to respond to specific submittals from stakeholders in the short-term, but must also consider the long-term issues that will manifest in the decades following landfilling.

Staff levels in the solid waste program specifically, and the Waste Management Program as a whole, have substantially declined since the mid-90's, going from 52 FTE to 38 FTE and 130 FTE to 99 FTE, respectively. As mentioned earlier, if the solid waste fee increases are not approved, the number of positions that could be funded under the Solid Waste Program Revenue account would decrease from the current level of 32.5 FTE to 30.5 FTE in FY04, 24.5 FTE in FY05 and 23.5 FTE in FY06. In addition, it is very likely that the Waste Management Program will need to make cuts as part of the FY03-05 Biennial Budget process. The proposed Governor's budget requires the Waste Management Program to cut 2 FTE and \$180,000 from its Environmental Seg. Account, and 2 positions from the Recycling Fund, which will also impact the number of staff available to do solid waste program work.

We believe that the streamlining process underway will have a significant impact in reducing plan review workload as well as the transactional costs of stakeholders. Nevertheless, the loss of 9-plus positions out of a current total of 38 FTE devoted to solid waste management, plus the Governor's proposed Budget reductions, would have a very negative impact on our ability to provide services to stakeholders and to the general public.

C. OTHER COMMENTS

1. One comment related to the provision in the proposed rule which caps the Solid Waste Program Revenue fund balance at 8% of the statutorily authorized expenditure level. The comment suggests that this provision will never be exercised. The comment suggests the DNR will ensure that the expenditures are such that the fund balance will never reach the 8% surplus level (Marinette County).

Response

The Department does not have the authority to change the authorized expenditure level set in statute for the program revenue account. This spending level is established in each Biennial Budget. We will continue to share information on actual expenditures with stakeholders annually.

2. One comment specifically requested that the exemption from plan review and license fees available to Processing Facilities and Incinerators be applicable to Municipal Waste Combustors (Barron County).

Response

The Department continues to promote waste reuse and energy recovery. However, municipal solid waste combustors, given their technological complexity, separate regulations, special ash testing requirements, and specific ash handling requirements at landfills, impose a workload on the DNR that is at least equal to landfills. These facilities are also controversial with segments of the public and have environmental concerns associated with them separate from those of other waste management methods, including incinerators. The proposed rule revisions are limited to basic fee adjustments. While the requested change directly involves fees assessed by the Department, it would also require a change in the treatment of a category of solid waste facility that was not subject to the hearing and public comment period. As a result of the technical and procedural factors outlined above, the Department has not made the change to the proposed rule that you have requested.

3. A concern about the increase in the Solid Waste Transporter Fees was expressed. The commenter proposed to prorate the license fee (or some other type of provision in the rules). This would allow for a company to only pay for a license when they are actually hauling waste, since this commenter doesn't use their Collection and Transportation license very frequently, but they have to pay the license fee for the entire year. (Lance Burt, A&A Trucking & Excavating)

Response

In the past, we have considered an option to prorate for license fees. However, we have determined that this still is not a viable option. The staff time needed to process the paperwork and determine the varying levels of license fees would not be cost effective.

4. A commenter suggested that the Department should include an annual cost of living increase in all agency fees rather than periodically proposing fee increases. (Mike and John Mastalir, Blue Water Services C&T # 14639)

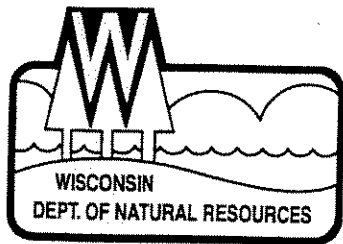
Response

We appreciate the comment in support of increasing these fees. We considered the idea of including annual inflationary increases in the fee tables, but decided not to pursue that option. We believe that stakeholders would be more comfortable with a specific fee amount included in the rule language, rather than leaving the language open-ended and allowing for annual inflationary adjustments.

D. Comments from Legislative Council Rules Clearinghouse

The Legislative Council Rules Clearinghouse provided three comments. Two of the comments pertained to form and clarity, and the third comment pertained to statutory requirements that would apply to any new forms contained in the rule. All of the suggested changes to the proposed rule language have been made.

ATTACHMENT G



State of Wisconsin \ DEPARTMENT OF NATURAL RESOURCES

Jim Doyle, Governor
Scott Hassett, Secretary

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Box 7921
Madison, Wisconsin 53707-7921
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March 20, 2003

Dear Responsible Unit:

A number of Responsible Units (RUs) have expressed concern over the solvency and integrity of the funding for the Recycling Grant program, which is funded from the Recycling Segregated Fund. The revenue sources for this fund include a recycling surcharge and a recycling tipping fee (a fee charged on disposal of solid waste and used to fund recycling activities in the state). In particular, we have been questioned about the Department's budget request for the Recycling Grants program for the 2003-05 Biennium and about "transfers" out of the Recycling Segregated Fund (also referred to as the Recycling Fund or RCY SEG). We would like to take this opportunity to explain to you what has occurred and to allay any concerns you might have about the solvency of the Recycling Grants program or the Department's sensitivity to budget problems of local governments.

DNR's Recycling Grants Budget Request for the 2003-05 Biennium.

In its 2003-05 biennial budget request to the Governor, the Department recommended maintaining the program at a constant funding level of \$24.5 million per year – a level of funding that the Legislature has provided since 2000. Contrary to common perception, there was not a \$5 million increase for recycling grants in the current biennium, nor did the Department request a \$5 million decrease for the 2003-05 biennium. The confusion results from a budgetary adjustment to avert a potential cash-flow problem in calendar year 2002. In the 2001-03 biennial budget, the Legislature appropriated \$5 million less in spending in the *first* fiscal year (from \$24.5 million to \$19.5 million) in recognition of a cash-flow problem in that year. In order to maintain a \$49.0 million spending level for the biennium, the legislature appropriated \$5 million more in spending in the second fiscal year (from \$24.5 million to \$29.5 million). The reason you may hear about a decrease is because the state budget system considers the second year of every biennium to be the "base year" – the amount that will automatically be in place in the next biennium unless the legislature takes action to the contrary.

The figures below show that the adjustment did not change biennial totals.

FY 00	FY 01	FY 02	FY 03	FY 04	FY 05
\$24.5 M	\$24.5 M	\$19.5	\$29.5 M	\$24.5 M	\$24.5 M
1999-2001 biennial appropriation		2001-2003 biennial appropriation		2003-2005 biennium request (see Senate Bill 44)	

The Department discussed this situation with the Legislative Fiscal Bureau (LFB) while developing its recycling budget request for the 2003-05 biennium. It was LFB's, and our, understanding that the \$5 million lesser amount in FY 02 and the \$5 million greater amount in FY 03 was to avert a one-time cash flow problem in the current biennium. The Legislature did not provide direction to the Department indicating that these funds would be available for the long-term. It was with this understanding that we prepared and submitted our budget request to the Governor.

The \$24.5 million requested through the 2003-05 biennial budget is sufficient to fund recycling grants to local governments at their current level. Funding for Recycling Efficiency Incentive Grants (\$1.9 million) is provided under a separate appropriation; those funds are not impacted by our budget request. The fact that the Governor's biennial budget proposal (see Senate Bill 44) requested that the Recycling Grants program funding

continue at its recent annual level (\$24.5 million) is a testament to the Governor's commitment to recycling and your efforts to make this program a success.

Transfers from the Recycling Segregated Fund to General Program Revenue:

As part of the 2001-03 Biennial Budget process, the Department requested to increase the tipping fee by \$1.55/ton, which it estimated would be sufficient to cover the basic recycling grant program and the demonstration grants. The amount of increase requested was based on the estimated revenues to the Recycling Fund, and did not include funding for the \$1.9 million Recycling Efficiency Incentive Grants program which did not exist at that time. The legislature and former Governor McCallum made the decision to increase the tipping fee to \$3/ton, leaving intact the business surcharge. Revenues from the business surcharge (currently estimated at \$14.36 million for fiscal year 2003) surpassed expectations, resulting in a surplus in the Recycling Fund. The Department is not authorized to spend money from the Recycling Fund beyond what the legislature appropriates, and was not authorized to spend money accumulated from the surplus.

Since 2000, the following transfers from the Recycling Segregate Fund have been approved or are under consideration.

- Transfer of \$3 million to the General Fund (Act 109, Conference Committee/Legislature, July 2002)
- Transfer of \$1 million to the Conservation Fund for Chronic Wasting Disease (CWD)(December 2002 - Joint Finance meeting)
- Transfer of \$3 million to General Fund (Governor Doyle - In his FY 03 budget adjustment bill, January, 2003) Enacted as part of 2003 Wis Act 1, in February, 2003
- Transfer of \$3.1 million to General Fund (February 13, 2003 - JFC meeting on the Governor's budget adjustment bill, February, 2003) Enacted as part of 2003 Wis Act 1, 2 in February, 2003
- Recommended transfer to General Fund of \$3,158,000 in fiscal year 04 and \$158,100 in fiscal year 05 (Governor Doyle, 2003-05 Biennial Budget, Senate Bill 44, February 2003)
- Recommended transfer of \$560,400 each year of biennium to Department of Agriculture, Trade, and Consumer Protection (DATCP) to continue the Agricultural Clean Sweep program (Governor Doyle, 2003-05 Biennial Budget, Senate Bill 44, February 2003)

The recommended transfers above are pending the approval of both houses of the Legislature and the Governor's signature. The Department's budget analysts have assured the recycling program that the approved and proposed budget transfers will not impact the Department's ability to issue recycling grants at the current levels for the 2003-05 Biennium.

We hope this letter clarifies the questions that have surfaced about this situation. If you should have additional questions, please contact Cynthia Moore by calling 608-267-7550.

Sincerely,



Suzanne Bangert, Director
Waste Management Bureau



Kathy Curtner, Director
Bureau of Community Financial Assistance

c: Scott Hassett Ed Wilusz Senator Decker
Representative Black Harold Jordahl Ron Hermes
WaMT

DATE: October 4, 2002

FILE REF:

TO: Colleen Hellenbrand - WA/3

FROM: Jim Pardee - SS/7 *JDP*

SUBJECT: Chapter NR 520 Rule Revision

We have reviewed the draft rule revision package for Chapter NR 520 and determined it to be a type 3 action under NR 150.03(6)(b)3.b. Type 3 actions only require public notification under NR 150.20(1)(b). No other WEPA-related documentation is required.

21



Fiscal Estimate — 2003 Session

- Original Updated
 Corrected Supplemental

LRB Number	Amendment Number if Applicable
Bill Number	Administrative Rule Number Chapter NR 520

Subject
 Solid Waste Management Chapter NR 520, Plan Review and License Fee Increases

Fiscal Effect

State: No State Fiscal Effect

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

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

- Increase Costs — May be possible to absorb within agency's budget.
 Yes No
 Decrease Costs

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 Units Affected:
 Towns Villages Cities
 Counties Others
 School Districts WTCS Districts

Fund Sources Affected
 GPR FED PRO PRS SEG SEG-S

Affected Chapter 20 Appropriations

Assumptions Used in Arriving at Fiscal Estimate

SUMMARY OF RULE: Revisions are proposed to the fee requirements of NR 520. Solid Waste fees have not been increased since 1998, and increases are necessary to keep the Department's solid waste program revenue account from developing a deficit.

The proposal would increase solid waste plan review and license fees by 10% effective October 1, 2004 and increase the landfill license fee surcharge from its current 9 cents/ton to 12.0 cents/ton effective April 1, 2004, 14.0 cents/ton effective July 1, 2004, and 15.0 cents/ton effective July 1, 2005 and subsequent fiscal years.

FISCAL IMPACT: Over the past 3 years, the amount of waste disposed of in landfills on which environmental fees are assessed has averaged 8.7 million tons/year. We believe that on-going waste reduction, recycling, and reuse may result in lower landfilled tonnages in coming years. We also note that, at 8.3 million tons, calendar year 2002 was the lowest since the mid-1990s.

Assuming annual landfilled tonnages of 8.6 million tons for the foreseeable future, the amount of revenue generated by the increases in the landfill license fee surcharge will be \$65,000 in FY 03-04, \$430,000 in FY 04-05, and \$520,000 in FY 05-06 and subsequent years. We also estimate that the increases in plan review and license fees will generate approximately \$128,850/year beginning in FY 04-05. The fee increases would affect both private and publicly owned facilities.

Currently there are 18 county-owned landfills and 5 owned by cities. Based on calendar year 2002 data, county landfills took in an average of 54,000 tons on which environmental fees were assessed. For city-owned landfills, the average was 32,000 tons. Therefore, the average county-owned landfill would pay an additional landfill license fee surcharge of approximately \$410 in FY 03-04 up to \$3,200 in FY 05-06. The average city-owned landfill would pay from \$240 to in FY 03-04 up to \$1,900 in FY 05-06. With respect to plan review and license fees, we estimate that public owners will pay approximately one-fourth of the \$128,850/year increase.

Long-Range Fiscal Implications

None

Prepared By: Joseph Polasek	Telephone No. 266-2794	Agency Department of Natural Resources
Authorized Signature <i>Joe Polasek / sth</i>	Telephone No. 266-2794	Date (mm/dd/ccyy) 8-14-03

23

Fiscal Estimate — 2003 Session

**Page 2 Assumptions Narrative
Continued**

LRB Number	Amendment Number if Applicable
Bill Number	Administrative Rule Number

Assumptions Used in Arriving at Fiscal Estimate – Continued

Increase in Landfill License Fee Surcharge

County-Owned Landfills:

18 landfills x (\$410 to \$3,200 per year) = \$7,400 to \$58,000 per year

City-Owned Landfills:

5 landfills x (\$240 to \$1,900 per year) = \$1,200 to \$9,500 per year

Increase in Plan Review and License Fees \$32,210 per year

Total Annual Impact = \$41,000 to \$100,000 per year

Fiscal Estimate Worksheet — 2003 Session
 Detailed Estimate of Annual Fiscal Effect

Original Updated
 Corrected Supplemental

LRB Number	Amendment Number if Applicable
Bill Number	Administrative Rule Number NR 520

Subject
 Solid Waste Management, Chapter NR 520, Plan Review and License Fees

One-time Costs or Revenue Impacts for State and/or Local Government (do not include in annualized fiscal effect):
 None

Annualized Costs:		Annualized Fiscal Impact on State Funds from:	
		Increased Costs	Decreased Costs
A. State Costs by Category			
State Operations — Salaries and Fringes	\$	\$ -	
(FTE Position Changes)	(FTE)	(- FTE)	
State Operations — Other Costs		-	
Local Assistance		-	
Aids to Individuals or Organizations		-	
Total State Costs by Category	\$	\$ -	
B. State Costs by Source of Funds		Increased Costs	Decreased Costs
GPR	\$	\$ -	
FED		-	
PRO/PRS		-	
SEG/SEG-S		-	
State Revenues	Complete this only when proposal will increase or decrease state revenues (e.g., tax increase, decrease in license fee, etc.)	Increased Revenue	Decreased Revenue
GPR Taxes		\$	\$ -
GPR Earned			-
FED			-
PRO/PRS		\$194,000-\$649,000	-
SEG/SEG-S			-
Total State Revenues		\$194,000-\$649,000	\$ -

Net Annualized Fiscal Impact

	State	Local
Net Change in Costs	\$	\$ 41,000 - 100,000
Net Change in Revenues	\$ 194,000-\$649,000	\$

Prepared By: Joe Polasek	Telephone No. 266-2794	Agency Department of Natural Resources
Authorized Signature <i>Joe Polasek</i>	Telephone No. 266-2794	Date (mm/dd/ccyy) 7-14-03

25

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

The Wisconsin Natural Resources Board proposes an order to amend NR 520.04(5) and to repeal and recreate NR 520.04(1)(d), and Table 2 and 3 relating to adjusting solid waste licensing and plan review fees.

WA-45-02

Analysis Prepared by the Department of Natural Resources

Statutory authority: ss. 289.61 and 227.11(2)(a), Stats.
Statutes interpreted: s. 289.61, Stats.

This order amends the solid waste management rules in ch. NR 520. The proposed revisions adjust the plan review and license fees to address projected deficits in the Program Revenue account beginning in Fiscal Year 2004.

SECTION 1. NR 520.04(1)(d) is repealed and recreated to read:

NR 520.04(1)(d)1. In addition to the license fee specified in table 3, owners or operators of landfills shall pay a license fee surcharge to the department based upon the number of tons or equivalent volume of solid waste disposed of at each landfill during each quarterly reporting period.

2. The amount of the surcharge payable under subd. 1. shall be determined by multiplying the number of tons or equivalent volume of solid waste disposed of during each quarterly reporting period by a tonnage rate established in subd. 3.

3. The tonnage rate shall be 9.0 cents/ton through March 31, 2004, 12.0 cents/ton effective April 1, 2004, 14 cents/ton effective July 1, 2004, and 15.0 cents/ton effective July 1, 2005 and beyond.

4. Owners or operators of landfills shall submit quarterly reports on forms supplied by the department accompanied by the amount of the surcharge calculated under this section within 30 days after the end of each successive reporting period.

Note: The forms will be mailed to the landfill owners or operators by the Department on a quarterly basis.

5. Beginning in calendar year 2004, the department shall hold a public meeting annually in September to review the status of and projections for the waste management program revenue account. In addition, beginning in fiscal year 2005, if the account balance at the end of the previous fiscal year is greater than 8% of the expenditure level of the program revenue account, authorized in s. 20.370(2)(dg), Stats., the department shall submit to the natural resources board proposed rule revisions with appropriate justification for the modification of the surcharge payable under this paragraph to more closely align revenues with expenditures in accordance with s. 289.61(3), Stats. The proposed rule revisions shall be submitted within 180 days after the date of the public meeting.

SECTION 2. NR 520.04(5) is amended to read:

NR 520.04(5) CONSTRUCTION INSPECTION FEES. A construction inspection fee of ~~\$500.00 per inspection as specified in Table 2 or 3, as applicable~~, required under s. NR 500.09 shall be paid to the department by the applicant at the time of the submittal of a construction documentation report or as specified in the plan approval. A maximum of 10 inspections per major phase of construction may be required.

SECTION 3. Table 2 following NR 520.15(3) is repealed and recreated to read:

TABLE 2

PART A

Fee Schedule - All Facilities Except Landfills and Surface Impoundments - through September 30, 2004

Facility Type	License Required	Plan Review Fee ⁽¹⁾⁽²⁾	Construction Documentation Review Fee	License Fee
Exemption Request	No	\$500	N/A	N/A
Beneficial Reuse	No	\$500	\$500	N/A
Collection and Transportation	Yes	N/A	N/A	\$100
Each Additional Truck		N/A	N/A	\$30 ⁽⁴⁾
Transfer Facility				
Small	Yes	\$600	\$300	\$150
Large (>100 tons/day)	Yes	\$1,500	\$600	\$500
Processing Facility ⁽³⁾	Yes	\$3,000	\$1,000	\$500
Storage Facility	Yes	\$1,500	\$1,000	\$500
Incinerator Facility ⁽³⁾	Yes	\$7,000	\$1,000	\$7,000
Air Curtain Destructor	Yes	\$300	\$150	\$150
Woodburning Facility	Yes	\$150	N/A	\$150
One Time Disposal	No	\$600	N/A	N/A
Municipal Waste Combuster				
Small	Yes	\$1,500	\$600	\$600
Large (>10 tons/day)	Yes	\$7,000	\$1,000	\$7,000
Land Spreading Facility				
Exempt	No	\$600	N/A	N/A
Non-exempt	No	\$1,500	N/A	N/A
Infectious Waste Transport	Yes	N/A	N/A	\$250
Each Additional Truck		N/A	N/A	\$20
Infectious Waste Annual Report	No	N/A	N/A	\$50 ⁽⁵⁾
Medical Waste Reduction Plan	No	\$600 ⁽⁶⁾	N/A	N/A

PART B

Fee Schedule - All Facilities Except Landfills and Surface Impoundments – October 1, 2004 and Later

Facility Type	License Required	Plan Review Fee ⁽¹⁾⁽²⁾	Construction Documentation Review Fee	License Fee
Exemption Request	No	\$550	N/A	N/A
Beneficial Reuse	No	\$550	\$550	N/A
Collection and Transportation	Yes	N/A	N/A	\$110
Each Additional Truck		N/A	N/A	\$33 ⁽⁴⁾
Transfer Facility				
Small	Yes	\$660	\$330	\$165
Large (>100 tons/day)	Yes	\$1,650	\$660	\$550
Processing Facility ⁽³⁾	Yes	\$3,300	\$1,100	\$550
Storage Facility	Yes	\$1,650	\$1,100	\$550
Incinerator Facility ⁽³⁾	Yes	\$7,700	\$1,100	\$7,700
Air Curtain Destructor	Yes	\$330	\$165	\$165
Woodburning Facility	Yes	\$165	N/A	\$165

One Time Disposal	No	\$660	N/A	N/A
Municipal Waste Combuster				
Small	Yes	\$1,650	\$660	\$660
Large (>10 tons/day)	Yes	\$7,700	\$1,100	\$7,700
Land Spreading Facility				
Exempt	No	\$660	N/A	N/A
Non-exempt	No	\$1,650	N/A	N/A
Infectious Waste Transport	Yes	N/A	N/A	\$275
Each Additional Truck		N/A	N/A	\$22
Infectious Waste Annual Report	No	N/A	N/A	\$55 ⁽⁵⁾
Medical Waste Reduction Plan	No	\$660 ⁽⁶⁾	N/A	N/A

(1) The plan review fees specified in Table 2 cover the department's review from initial submittal through approval or denial of the report or plan. An applicant may withdraw and revise or supplement a report or plan prior to it being deemed complete and resubmit it without paying an additional review fee. The applicant shall pay a plan review fee as specified in Table 2 for resubmittal of a plan which has been withdrawn after having been determined to be complete.

(2) The department may waive any plan review fee if it determines that the total review time is not likely to exceed 4 hours.

(3) The department shall waive the plan review fees and license fees for a processing facility or incinerator which has a primary purpose of converting solid waste into usable materials, products or energy.

(4) The department may waive the additional license fee for trucks used only once or twice a year for spring/fall clean-up operations by municipalities.

(5) This is an annual filing fee.

(6) If the department requires a medical facility to submit its medical waste reduction plan under s. NR 526.22, the plan review fee must also be submitted.

SECTION 4. Table 3 following NR 520.15(3) is repealed and recreated to read:

TABLE 3

PART A
FEE SCHEDULE – LANDFILLS AND SURFACE IMPOUNDMENTS – THROUGH SEPTEMBER 30, 2004

Plan Review Fees ⁽¹⁾⁽²⁾

License Fees

Facility Type	License Required	Plan Review Required	Plan Review Fees ⁽¹⁾⁽²⁾					License Fees			License Transfer
			Pre-feas, or Initial Site Report ⁽³⁾ NR 509/510	Feasibility Report NR 512	Plan of Operation NR 514	Cons. Insp. ⁽⁹⁾	Cons. Doc. ⁽⁶⁾ NR 516	Closure Plan NR 514	0-12 Months	Closure & Long-Term care Period ⁽⁸⁾	
Landfills and Surface Impoundments											
1. 50,000 yd ³	Yes	Yes	\$3000	\$20000	\$7000	\$500	\$1000 ⁽⁵⁾	\$5000	\$1500	\$6000	\$1500
2. <500,000 yd ³	Yes	Yes	\$3000	\$20000	\$7000	\$500	\$1000 ⁽⁵⁾	\$5000	\$3500	\$6000	\$3500
3. >500,000 yd ³	Yes	Yes	\$3000	\$20000	\$7000	\$500	\$1000 ⁽⁵⁾	\$5000	\$7000	\$6000	\$7000
Plan Modification ⁽⁴⁾ ₍₁₁₎	No	Yes	N/A	\$1500	\$1500 ⁽⁷⁾	N/A	N/A	\$150	N/A	N/A	N/A
Small Size Construction & Demolition Waste Landfills	No	Yes	N/A	N/A	\$1000	\$500	\$200	N/A	\$1500 ⁽¹⁰⁾	N/A	N/A
Intermediate Size Construction & Demolition Waste Landfills	No	Yes	N/A	N/A	\$7000	\$500	\$1000	N/A	\$3500 ⁽¹⁰⁾	\$6000	N/A

PART B
FEE SCHEDULE – LANDFILLS AND SURFACE IMPOUNDMENTS – October 1, 2004 and Later

Plan Review Fees ⁽¹⁾⁽²⁾

License Fees

Facility Type	License Required	Plan Review Required	Pre-feas, or Initial Site Report ⁽³⁾ NR 509/510	Feasibility Report NR 512	Plan of Operation NR 514	Cons. Insp. ⁽⁹⁾	Cons. Doc. ⁽⁶⁾ NR 516	Closure Plan NR 514	0-12 Months	Closure & Long-Term care Period ⁽⁸⁾	License Transfer
Landfills and Surface Impoundments											
1. 50,000 yd ³	Yes	Yes	\$3300	\$22000	\$7700	\$550	\$1100 ⁽⁵⁾	\$5500	\$1650	\$6600	\$1650
2. <500,000 yd ³ ,	Yes	Yes	\$3300	\$22000	\$7700	\$550	\$1100 ⁽⁵⁾	\$5500	\$3850	\$6600	\$3850
3. >500,000 yd ³	Yes	Yes	\$3300	\$22000	\$7700	\$550	\$1100 ⁽⁵⁾	\$5500	\$7700	\$6600	\$7700
Plan Modification ⁽⁴⁾ ⁽¹¹⁾	No	Yes	N/A	\$1650	\$1650 ⁽⁷⁾	N/A	N/A	\$165	N/A	N/A	N/A
Small Size Construction & Demolition Waste Landfills	No	Yes	N/A	N/A	\$1100	\$550	\$220	N/A	\$1650 ⁽¹⁰⁾	N/A	N/A
Intermediate Size Construction & Demolition Waste Landfills	No	Yes	N/A	N/A	\$7700	\$550	\$1100	N/A	\$3850 ⁽¹⁰⁾	\$6600	N/A

(1) The plan review fees specified in Table 3 cover the department's review from initial submittal through approval or denial of the report or plan. An applicant may withdraw and revise or supplement a report or plan prior to it being deemed complete and resubmit it without paying an additional review fee. The applicant shall pay a plan review fee as specified in Table 3 for resubmittal of a plan which has been withdrawn after having been determined to be complete.

(2) The department may waive any plan review fee if determines that the total review time is not likely to exceed 4 hours.

(3) For an initial site report submittal which includes more than one location, the applicant shall pay a separate fee, as shown in Table 3, for each location.

(4) A plan modification, as referred to in Table 3, is a submittal which proposes to modify a feasibility report, plan of operation or closure plan previously approved by the department. This fee also applies to a submittal which proposes to change the design management zone (DMZ) or requests recalculation of indicator preventive action limits (PAL's) as defined in ch. NR 140.

(5) This review fee also applies to construction documentation reports for which a design capacity cannot be applied, such as sedimentation basins or remedial actions.

(6) These review fees apply to each facility construction documentation report submitted.

(7) This fee also applies to any facility which requests an exemption to the groundwater standards contained in ch. NR 140.

(8) This fee is a one-time payment only for the term of the licensee's long-term care responsibility.

(9) This fee applies to each phase of construction to a maximum of 10 inspections.

(10) Operation inspection fee.

(11) No review fee is owed for plan modifications submitted and approved under s. NR 514.09 Expedited Plan Modifications.

SECTION 5. EFFECTIVE DATE. This rule shall take effect the first day of the month following publication in the Wisconsin administrative register as provided in s. 227.22(2)(intro.), Stats.

SECTION 6. BOARD ADOPTION. This rule was approved and adopted by the State of Wisconsin Natural Resources Board on _____.

Dated at Madison, Wisconsin _____

STATE OF WISCONSIN
DEPARTMENT OF NATURAL RESOURCES

By _____
Scott Hassett, Secretary

(SEAL)

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

The Wisconsin Natural Resources Board proposes an order to amend NR 520.04(5) and to repeal and recreate NR 520.04(1)(d), and Table 2 and 3 relating to adjusting solid waste licensing and plan review fees.

WA-45-02

Analysis Prepared by the Department of Natural Resources

Statutory authority: ss. 289.61 and 227.11(2)(a), Stats.
Statutes interpreted: s. 289.61, Stats.

This order amends the solid waste management rules in ch. NR 520. The proposed revisions adjust the plan review and license fees to address projected deficits in the Program Revenue account beginning in Fiscal Year 2004.

SECTION 1. NR 520.04(1)(d) is repealed and recreated to read:

NR 520.04(1)(d)1. In addition to the license fee specified in table 3, owners or operators of landfills shall pay a license fee surcharge to the department based upon the number of tons or equivalent volume of solid waste disposed of at each landfill during each quarterly reporting period.

2. The amount of the surcharge payable under subd. 1. shall be determined by multiplying the number of tons or equivalent volume of solid waste disposed of during each quarterly reporting period by a tonnage rate established in subd. 3.

3. The tonnage rate shall be 9.0 cents/ton through March 31, 2004, 12.0 cents/ton effective April 1, 2004, 14 cents/ton effective July 1, 2004, and 15.0 cents/ton effective July 1, 2005 and beyond.

4. Owners or operators of landfills shall submit quarterly reports on forms supplied by the department accompanied by the amount of the surcharge calculated under this section within 30 days after the end of each successive reporting period.

SEVEN YRS SINCE
FEE INCREASE
34 STAFF

Note: The forms will be mailed to the landfill owners or operators by the Department on a quarterly basis.

5. Beginning in calendar year 2004, the department shall hold a public meeting annually in September to review the status of and projections for the waste management program revenue account. In addition, beginning in fiscal year 2005, if the account balance at the end of the previous fiscal year is greater than 8% of the expenditure level of the program revenue account, authorized in s. 20.370(2)(dg), Stats., the department shall submit to the natural resources board proposed rule revisions with appropriate justification for the modification of the surcharge payable under this paragraph to more closely align revenues with expenditures in accordance with s. 289.61(3), Stats. The proposed rule revisions shall be submitted within 180 days after the date of the public meeting.

SECTION 2. NR 520.04(5) is amended to read:

NR 520.04(5) CONSTRUCTION INSPECTION FEES. A construction inspection fee of \$500.00 per inspection as specified in Table 2 or 3, as applicable, required under s. NR 500.09 shall be paid to the department by the applicant at the time of the submittal of a construction documentation report or as specified in the plan approval. A maximum of 10 inspections per major phase of construction may be required.

SECTION 3. Table 2 following NR 520.15(3) is repealed and recreated to read:

TABLE 2

PART A

Fee Schedule - All Facilities Except Landfills and Surface Impoundments - through September 30, 2004

Facility Type	License Required	Plan Review Fee ⁽¹⁾⁽²⁾	Construction Documentation Review Fee	License Fee
Exemption Request	No	\$500	N/A	N/A
Beneficial Reuse	No	\$500	\$500	N/A
Collection and Transportation	Yes	N/A	N/A	\$100
Each Additional Truck		N/A	N/A	\$30 ⁽⁴⁾
Transfer Facility				
Small	Yes	\$600	\$300	\$150
Large (>100 tons/day)	Yes	\$1,500	\$600	\$500
Processing Facility ⁽³⁾	Yes	\$3,000	\$1,000	\$500
Storage Facility	Yes	\$1,500	\$1,000	\$500
Incinerator Facility ⁽³⁾	Yes	\$7,000	\$1,000	\$7,000
Air Curtain Destructor	Yes	\$300	\$150	\$150
Woodburning Facility	Yes	\$150	N/A	\$150
One Time Disposal	No	\$600	N/A	N/A
Municipal Waste Combuster				
Small	Yes	\$1,500	\$600	\$600
Large (>10 tons/day)	Yes	\$7,000	\$1,000	\$7,000
Land Spreading Facility				
Exempt	No	\$600	N/A	N/A
Non-exempt	No	\$1,500	N/A	N/A
Infectious Waste Transport	Yes	N/A	N/A	\$250
Each Additional Truck		N/A	N/A	\$20
Infectious Waste Annual Report	No	N/A	N/A	\$50 ⁽⁵⁾
Medical Waste Reduction Plan	No	\$600 ⁽⁶⁾	N/A	N/A

PART B

Fee Schedule - All Facilities Except Landfills and Surface Impoundments - October 1, 2004 and Later

Facility Type	License Required	Plan Review Fee ⁽¹⁾⁽²⁾	Construction Documentation Review Fee	License Fee
Exemption Request	No	\$550	N/A	N/A
Beneficial Reuse	No	\$550	\$550	N/A
Collection and Transportation	Yes	N/A	N/A	\$110
Each Additional Truck		N/A	N/A	\$33 ⁽⁴⁾
Transfer Facility				
Small	Yes	\$660	\$330	\$165
Large (>100 tons/day)	Yes	\$1,650	\$660	\$550
Processing Facility ⁽³⁾	Yes	\$3,300	\$1,100	\$550
Storage Facility	Yes	\$1,650	\$1,100	\$550
Incinerator Facility ⁽³⁾	Yes	\$7,700	\$1,100	\$7,700
Air Curtain Destructor	Yes	\$330	\$165	\$165
Woodburning Facility	Yes	\$165	N/A	\$165

One Time Disposal	No	\$660	N/A	N/A
Municipal Waste Combuster				
Small	Yes	\$1,650	\$660	\$660
Large (>10 tons/day)	Yes	\$7,700	\$1,100	\$7,700
Land Spreading Facility				
Exempt	No	\$660	N/A	N/A
Non-exempt	No	\$1,650	N/A	N/A
Infectious Waste Transport	Yes	N/A	N/A	\$275
Each Additional Truck		N/A	N/A	\$22
Infectious Waste Annual Report	No	N/A	N/A	\$55 ⁽⁵⁾
Medical Waste Reduction Plan	No	\$660 ⁽⁶⁾	N/A	N/A

(1) The plan review fees specified in Table 2 cover the department's review from initial submittal through approval or denial of the report or plan. An applicant may withdraw and revise or supplement a report or plan prior to it being deemed complete and resubmit it without paying an additional review fee. The applicant shall pay a plan review fee as specified in Table 2 for resubmittal of a plan which has been withdrawn after having been determined to be complete.

(2) The department may waive any plan review fee if it determines that the total review time is not likely to exceed 4 hours.

(3) The department shall waive the plan review fees and license fees for a processing facility or incinerator which has a primary purpose of converting solid waste into usable materials, products or energy.

(4) The department may waive the additional license fee for trucks used only once or twice a year for spring/fall clean-up operations by municipalities.

(5) This is an annual filing fee.

(6) If the department requires a medical facility to submit its medical waste reduction plan under s. NR 526.22, the plan review fee must also be submitted.

SECTION 4. Table 3 following NR 520.15(3) is repealed and recreated to read:

TABLE 3

PART A

FEE SCHEDULE – LANDFILLS AND SURFACE IMPOUNDMENTS – THROUGH SEPTEMBER 30, 2004

Facility Type	License Required	Plan Review Required	Plan Review Fees ⁽¹⁾⁽²⁾					License Fees			License Transfer
			Pre-feas, or Initial Site Report ⁽³⁾ NR 509/510	Feasibility Report NR 512	Plan of Operation NR 514	Cons. Insp. ⁽⁹⁾	Cons. Doc. ⁽⁶⁾ NR 516	Closure Plan NR 514	0-12 Months	Closure & Long-Term care Period ⁽⁸⁾	
Landfills and Surface Impoundments											
1. 50,000 yd ³	Yes	Yes	\$3000	\$20000	\$7000	\$500	\$1000 ⁽⁵⁾	\$5000	\$1500	\$6000	\$1500
2. <500,000 yd ³	Yes	Yes	\$3000	\$20000	\$7000	\$500	\$1000 ⁽⁵⁾	\$5000	\$3500	\$6000	\$3500
3. >500,000 yd ³	Yes	Yes	\$3000	\$20000	\$7000	\$500	\$1000 ⁽⁵⁾	\$5000	\$7000	\$6000	\$7000
Plan Modification ⁽⁴⁾ ₍₁₁₎	No	Yes	N/A	\$1500	\$1500 ⁽⁷⁾	N/A	N/A	\$150	N/A	N/A	N/A
Small Size Construction & Demolition Waste Landfills	No	Yes	N/A	N/A	\$1000	\$500	\$200	N/A	\$1500 ⁽¹⁰⁾	N/A	N/A
Intermediate Size Construction & Demolition Waste Landfills	No	Yes	N/A	N/A	\$7000	\$500	\$1000	N/A	\$3500 ⁽¹⁰⁾	\$6000	N/A

PART B
FEE SCHEDULE – LANDFILLS AND SURFACE IMPOUNDMENTS – October 1, 2004 and Later

Facility Type	License Required	Plan Review Required	Plan Review Fees ⁽¹⁾⁽²⁾					License Fees			
			Pre-feas, or Initial Site Report ⁽³⁾ NR 510/511	Feasibility Report NR 512	Plan of Operation NR 514	Cons. Insp. ⁽⁹⁾	Cons. Doc. ⁽⁶⁾ NR 516	Closure Plan NR 514	0-12 Months	Closure & Long-Term care Period ⁽⁸⁾	License Transfer
Landfills and Surface Impoundments											
1. 50,000 yd ³	Yes	Yes	\$3300	\$22000	\$7700	\$550	\$1100 ⁽⁵⁾	\$5500	\$1650	\$6600	\$1650
2. <500,000 yd ³ ,	Yes	Yes	\$3300	\$22000	\$7700	\$550	\$1100 ⁽⁵⁾	\$5500	\$3850	\$6600	\$3850
3. >500,000 yd ³	Yes	Yes	\$3300	\$22000	\$7700	\$550	\$1100 ⁽⁵⁾	\$5500	\$7700	\$6600	\$7700
Plan Modification ⁽⁴⁾ ⁽¹¹⁾	No	Yes	N/A	\$1650	\$1650 ⁽⁷⁾	N/A	N/A	\$165	N/A	N/A	N/A
Small Size Construction & Demolition Waste Landfills	No	Yes	N/A	N/A	\$1100	\$550	\$220	N/A	\$1650 ⁽¹⁰⁾	N/A	N/A
Intermediate Size Construction & Demolition Waste Landfills	No	Yes	N/A	N/A	\$7700	\$550	\$1100	N/A	\$3850 ⁽¹⁰⁾	\$6600	N/A

- (1) The plan review fees specified in Table 3 cover the department's review from initial submittal through approval or denial of the report or plan. An applicant may withdraw and revise or supplement a report or plan prior to it being deemed complete and resubmit it without paying an additional review fee. The applicant shall pay a plan review fee as specified in Table 3 for resubmittal of a plan which has been withdrawn after having been determined to be complete.
- (2) The department may waive any plan review fee if determines that the total review time is not likely to exceed 4 hours.
- (3) For an initial site report submittal which includes more than one location, the applicant shall pay a separate fee, as shown in Table 3, for each location.
- (4) A plan modification, as referred to in Table 3, is a submittal which proposes to modify a feasibility report, plan of operation or closure plan previously approved by the department. This fee also applies to a submittal which proposes to change the design management zone (DMZ) or requests recalculation of indicator preventive action limits (PAL's) as defined in ch. NR 140.
- (5) This review fee also applies to construction documentation reports for which a design capacity cannot be applied, such as sedimentation basins or remedial actions.
- (6) These review fees apply to each facility construction documentation report submitted.
- (7) This fee also applies to any facility which requests an exemption to the groundwater standards contained in ch. NR 140.
- (8) This fee is a one-time payment only for the term of the licensee's long-term care responsibility.
- (9) This fee applies to each phase of construction to a maximum of 10 inspections.
- (10) Operation inspection fee.
- (11) No review fee is owed for plan modifications submitted and approved under s. NR 514.09 Expedited Plan Modifications.

SECTION 5. EFFECTIVE DATE. This rule shall take effect the first day of the month following publication in the Wisconsin administrative register as provided in s. 227.22(2)(intro.), Stats.

SECTION 6. BOARD ADOPTION. This rule was approved and adopted by the State of Wisconsin Natural Resources Board on August 13, 2003..

Dated at Madison, Wisconsin _____

STATE OF WISCONSIN
DEPARTMENT OF NATURAL RESOURCES

By _____
Scott Hassett, Secretary

(SEAL)

10/28/03

DESCRIPTION OF PROPOSED COMM 83 RULE CHANGES

After a multi-year effort, the first comprehensive revision in 20 years to chapter Comm 83 was implemented on July 1, 2000. Once the onsite sewage treatment practitioners began to actually use the code, a number of issues were identified. The issues that were brought to the attention of the department included inconsistencies in the current code language, requests for clarification of current code language, and requests for additional code language to address issues not covered.

A code council representing interests of parties from the private and public sectors was formed to advise the department on the issues that had been identified and to recommend solutions that could be included in a code "fix-up" package.

The following summarizes by chapter the more significant revisions proposed in this rule package. NOTE: There are several minor code language changes to chapters Comm 82 & 84 (Plumbing and Product Review Code) that were added to this "fix-up" package after it was completed. The changes are designed to address minor "fixes" that are needed in those respective codes. Those proposed code changes are not discussed below.

Chapter Comm 2 Fee Schedule; The revision clarifies how fees are calculated for larger systems and sets registration fees for privies that serve state-owned facilities. *There is no fee increase involved. The registration fee is for state-owned facilities (DNR parks) and is less than the permit fee that was previously charged.*

Chapter Comm 81 Definitions and Standards; The revision adds two definitions to clarify chapter Comm 83 code language. *"Accessory building" added to streamline plan review process. "Open bodies of water" added to clarify code language relative to discharge of wastewater into surface waters.*

COUNTY
REQUEST

Chapter Comm 82 Design, Construction, Installation, Supervision and Inspection of Plumbing; The change revises the manhole opening for a grease interceptor to be consistent with POWTS treatment and holding tanks.

Chapter Comm 83 Private Onsite Wastewater Treatment Systems; The most significant revisions include:

-Clarification that the code is a uniform code statewide. *Current code uses the word "minimum". This was intended to inform those using the code that if the requirements in the code were followed, at a minimum, a POWTS design would be compliant. Instead the word minimum was perceived by some as allowing governmental units to enact more stringent design and installation requirements. This would be in conflict with the "uniform state plumbing code" provision specified in chapter 145, Wis. Stats.*

-Clarification that municipalities generally cannot enact plumbing ordinances that are more or less restrictive than this chapter. *Reiterates uniform plumbing code requirement.*

-Allows POWTS installers to receive [just in time training] for new treatment components. *Current code requires training be completed before a permit can be issued. The revision allows training by a factory authorized representative to be done during the installation of the POWTS component.* APPLIES TO ADVANCED TECHNOLOGIES ONLY

-Allows governmental units to review POWTS designs that are intended to serve not more than two one- or 2-family dwellings and their accessory buildings. *This is a response to requests from governmental units to be able to review these types of POWTS plan submittals.* COUNTY REQUEST

-Modification of language that addresses large system plan review to clarify that DNR concurrence is required and how the designation of a large system is determined. *The current code language is incorrect. The Department of Natural Resource (DNR) suggested code language that would correctly identify the plan review and permit issuance process.*

-Clarification that the department must respond with one or more actions delineated under Table 83.29. This was an issue raised during the litigation of the 2000, Comm 83 code package. *The current word "may" is proposed to be substituted with the word "shall".*

DNR REQUEST -Addition of Public Water Main horizontal setbacks to Table 83.43-1

-Clarification that existing, non-pressurized components can be rehabilitated using higher quality effluent without using pressure distribution piping. *Rehabilitation of existing ponded dispersal areas using high quality effluent is a viable alternative to removing or abandonment. The current code is perceived by some as not allowing the rehabilitation option.*

-Table 83.44-2 is revised to provide more soil related information and adjustments to soil application rates for effluent. *Table is revised to provide more information in a more user friendly format.*

-Table 83.44-3 is revised to reflect additional treatment information and requirements for coarse sandy soils. *Table is revised to reduce complexity of evaluating coarse sandy soils and to make the table more user friendly.*

-Horizontal and vertical distance information for the purpose of servicing of tanks has been added for inclusion in management plans. *This was requested by pumpers that service tanks. It serves as an alert to POWTS designers of the capability limits of normal pumping equipment.* 15 FEET VERTICAL; 150 FEET HORIZONTAL

-Clarification that inspection, maintenance and servicing events must be reported to governmental units. *With few exceptions, most governmental units currently accept some form of inspection reports. This clarifies that the governmental unit responsibilities include acceptance of reports.* COUNTIES HAD CONCERNS HERE

-Modification of the time period for filing of reports from 10 business days to 30 calendar days. *Requested by the pumpers to reduce burden of filing reports on a more frequent basis.*

-Clarification that the governmental units must maintain records related to inspection, maintenance and servicing events. *Companion language to the clarification that reports are to be submitted to the governmental units.* MAINTAIN RECORDS

Chapter Comm 84 Plumbing Products; The revisions involve:

CONTROVERSIAL ISSUE BUT
APPARENTLY RESOLVED

-Clarification relative to minimum size access openings and their locations. *This code language is the result of lengthy deliberations and ultimately consensus between organizations representing installers, pumpers and pre-cast concrete tank manufacturers.*

-Clarification regarding labeling requirements for tanks.

Chapter Comm 85 Soil and Site Evaluations; The revisions involve:

-Clarification of how abrupt soil texture changes are to be evaluated and reported. *Adds back in, technical descriptive language for specific soil conditions that was not included in the current code but was listed in the previous code.*

-Clarification on reporting seasonal soil saturation that occurs at shallow depths.

-Modification of report filing deadlines from 60 days to 180 days.

-Clarifications relative to the hydrograph procedure.

Chapter Comm 91 Sanitation; The revisions involve:

-Addition of language that addresses the registration of vault and pit privies that are designed to serve state-owned facilities. *State agencies, primarily DNR install privies at some of their facilities (e.g. primitive campgrounds). They request a form of recognition that proposed installations have been reviewed and are acceptable. The registration process addresses this concern.*

The proposed rules have been developed over a two year period with the assistance of the POWTS Advisory Code Council. The members of that citizen advisory council are as follows:

<u>Name</u>	<u>Representing</u>
James C. Converse	UW Madison Biological Systems Engineering
Steven Crosby	Wisconsin Builders Association
Thomas A. Gilbert	Wisconsin Department of Natural Resources
Duane Greuel	Wisconsin County Code Administrators
Dave Jones	Wisconsin Association of Plumbing-Heating-Cooling Contractors
Wayne Mink	Wisconsin Precast Concrete Association
Don Murphy	Wisconsin Liquid Waste Carriers Association
Sue Schambureck	Wisconsin Onsite Waste Disposal Association
Todd Stair	Wisconsin Onsite Waste Disposal Association
CeCe Tesky	Wisconsin County Code Administrators
E. Jerry Tyler	UW Madison Biological Systems Engineering

2000 system

Contam.	Measured Amount	Units	System Name	DNR Public Water Supply ID	System Type	Pop.	Sample date/m/ dd/yyyy	Sample type	County
ARSENIC	0.012	MG/L	13000 W BLUEMOUND BUILDING	26818847	NN	25	36768	W	Waukesha
ARSENIC	0.014	MG/L	ADELL WATERWORKS	46004354	MC	536	36425	D	Sheboygan
ARSENIC	0.021	MG/L	AGRILINK FOODS INC	26503994	NN	250	36704	W	Walworth
ARSENIC	0.012	MG/L	ALBERTA SUBDIVISION	24601412	OC	88	36768	W	Ozaukee
ARSENIC	0.062	MG/L	ALLIANT ENERGY WIS POWER & LIGHT	42004765	MC	7241	36647	W	Fond du Lac
ARSENIC	0.01	MG/L	ASHWAUBENON WATERWORKS	40504563	MC	17777	36629	D	Brown
ARSENIC	0.02	MG/L	ATACO STEEL PRODUCTS CO SHOP WELL	24609508	NN	90	36662	W	Ozaukee
ARSENIC	0.019	MG/L	BAKER CHEESE INC 2	42013939	NN	70	36689	W	Fond du Lac
ARSENIC	0.032	MG/L	BIBLE BAPTIST CHURCH OF UTICA	11307351	NN	150	36769	W	Dane
ARSENIC	0.011	MG/L	BONDUEL WATERWORKS	45904507	MC	1160	36396	D	Shawano
ARSENIC	0.013	MG/L	BROOKFIELD UNITED METHODIST	26810784	NN	85	36670	W	Waukesha
ARSENIC	0.011	MG/L	CAMBRIA WATERWORKS	11100419	MC	768	36703	W	Columbia
ARSENIC	0.024	MG/L	CEDAR CREST SPECIALTIES	24602974	NN	50	36661	W	Ozaukee
ARSENIC	0.0328	MG/L	CEDAR FALLS ELEMENTARY SCH	617703004	NN	190	36747	D	Duane
ARSENIC	0.0111	MG/L	CENTURY ESTATES 2	24601445	OC	150	36879	D	Ozaukee
ARSENIC	0.01	MG/L	CENTURY ESTATES 3	24601357	OC	300	36670	W	Ozaukee
ARSENIC	0.0103	MG/L	COUNTRY AIRE APARTMENTS 2	26802479	OC	56	36759	D	Waukesha
ARSENIC	0.0102	MG/L	COUNTRY AIRE APARTMENTS 7	26853453	OC	25	36759	D	Waukesha
ARSENIC	0.028	MG/L	CRYSTAL LAKE CAMPGROUND	11100661	OC	90	36682	W	Columbia
ARSENIC	0.019	MG/L	CRYSTAL LAKE CAMPGROUND	11100661	OC	90	36682	W	Columbia
ARSENIC	0.0247	MG/L	DOUGLAS PLAZA CONDOMINIUMS 2 (SOUTH)	26808628	OC	62	36719	D	Waukesha
ARSENIC	0.014	MG/L	ELKHORN WATERWORKS	26500628	MC	5337	36641	W	Walworth
ARSENIC	0.015	MG/L	FAIRWATER WATERWORKS	42004633	MC	302	36640	W	Fond du Lac
ARSENIC	0.015	MG/L	FIVE CORNERS GMC SALES & SERVICE	24605669	NN	35	36670	W	Ozaukee
ARSENIC	0.016	MG/L	FIVE CORNERS PROFESSIONAL BLDG	24614084	NN	75	36676	W	Ozaukee
ARSENIC	0.012	MG/L	FOND DU LAC WATERWORKS	42004699	MC	37757	36480	D	Fond du Lac
ARSENIC	0.036	MG/L	FOREMOST FARMS USA COOPERATIVE	73713871	NN	25	36669	W	Marathon
ARSENIC	0.01	MG/L	FOX LAKE CORRECTIONAL INSTITUTION	11401445	MC	1050	36634	W	Dodge
ARSENIC	0.047	MG/L	GREEN BAY WATERWORKS	40503562	MC	102726	36635	W	Brown
ARSENIC	0.01	MG/L	GREENBRIER HOMEOWNERS ASSOCIATION	24601291	OC	240	36633	D	Ozaukee
ARSENIC	0.012	MG/L	INTERLAKEN RESORT VILLAGE	26501431	OC	300	36683	W	Walworth
ARSENIC	0.019	MG/L	KIMBERLY CLARK SW OFFICE	47106136	NN	30	36865	W	Winnebago
ARSENIC	0.038	MG/L	KOLB LENA BRESSE BLEU	11410982	NN	77	36766	W	Dodge
ARSENIC	0.021	MG/L	LAD LAKE INC (DORM)	26801951	OC	40	36787	W	Waukesha
ARSENIC	0.02	MG/L	LAKEVIEW SCHOOL	25202485	NN	430	36782	W	Racine
ARSENIC	0.018	MG/L	LAUREL ACRES	24601467	OC	276	36740	W	Ozaukee

ARSENIC	0.026	MG/L	LEBANON LUTHERAN SCHOOL - ST PETERS BLDG	11401841	NN	57	36685	W	Dodge
ARSENIC	0.018	MG/L	LOTS FOR TOTS	25219436	NN	71	36221	D	Racine
ARSENIC	0.011	MG/L	MEQUON ON THE SQUARE CONDOMINIUM	24609552	OC	110	36822	D	Ozaukee
ARSENIC	0.03	MG/L	OWNERS ASSOCIATION INC.	26851121	NN	396	36787	W	Waukesha
ARSENIC	0.037	MG/L	MERTON PRIMARY SCHOOL	43804398	MC	2079	36775	W	Marinette
ARSENIC	0.025	MG/L	NIAGARA WATERWORKS	42004754	MC	1003	36699	I	Fond du Lac
ARSENIC	0.022	MG/L	OAKFIELD WATERWORKS	24605515	OC	60	36809	W	Ozaukee
ARSENIC	0.015	MG/L	OAKWOOD APARTMENTS	64903410	MC	1581	36466	D	Ozaukee
ARSENIC	0.01	MG/L	OSCEOLA WATERWORKS	26501167	OC	180	36783	W	Polk
ARSENIC	11	MG/L	PIONEER ESTATES OF DELAVAN	24601137	OC	150	36584	W	Walworth
ARSENIC	0.014	MG/L	PIONEER GRAFTON MOBILE HM PK	24601137	OC	150	36605	W	Ozaukee
ARSENIC	23.7	UG/L	PIONEER GRAFTON MOBILE HM PK	60301362	OC	44	36613	D	Barron
ARSENIC	0.0549	MG/L	PIONEER NURSING HOME	15701004	MC	2380	36629	W	Sauk
ARSENIC	0.012	MG/L	PRAIRIE DU SAC WATERWORKS	11101255	MC	1729	36704	W	Columbia
ARSENIC	0.03	MG/L	RANDOLPH WATER DEPT	26502476	NN	131	36787	W	Walworth
ARSENIC	0.014	MG/L	REEK SCHOOL	24601368	OC	150	36691	W	Ozaukee
ARSENIC	0.01	MG/L	RIVER GLEN	24606857	OC	100	36822	D	Ozaukee
ARSENIC	0.041	MG/L	RIVER LAKE SUBDIVISION	42005194	NN	250	36663	W	Fond du Lac
ARSENIC	0.02	MG/L	ROSENDALE ELEMENTARY SCHOOL	44503371	MC	3252	36494	D	Outagamie
ARSENIC	0.014	MG/L	SEYMOUR WATERWORKS	26805053	NN	465	36670	W	Waukesha
ARSENIC	0.01	MG/L	ST EDMUNDS EPISCOPAL CHURCH	43606574	NN	25	36664	W	Manitowoc
ARSENIC	0.015	MG/L	STOCK MANUFACTURING CORP	44506407	NN	110	36696	W	Outagamie
ARSENIC	0.014	MG/L	SUGAR BUSH ELEMENTARY SCHOOL	44304986	MC	581	36649	W	Oconto
ARSENIC	0.012	MG/L	SURING WATERWORKS	26822653	NN	100	36663	D	Waukesha
ARSENIC	0.029	MG/L	TOWNSEND BUSINESS CENTER	60301428	MC	762	36754	W	Barron
ARSENIC	0.017	MG/L	TURTLE LAKE WATERWORKS	26513113	OC	28	36746	W	Walworth
ARSENIC	0.015	MG/L	VINTAGE ON THE PONDS	12800447	MC	19142	36845	W	Jefferson
ARSENIC	0.016	MG/L	WATERTOWN WATERWORKS	26701961	NN	225	36676	W	Washington
ARSENIC	0.01	MG/L	WEASLER ENGINEERING	86103468	MC	167	36411	D	Taylor
ARSENIC	0.016	MG/L	WESTBORO SAN DIST 1	26701158	OC	200	36685	W	Washington
ARSENIC	0.03	MG/L	WHEEL ESTATES MOBILE HOME PK	26500562	MC	12636	36654	W	Walworth
ARSENIC	0.013	MG/L	WHITTEWATER WATERWORKS	26500606	MC	2108	36650	W	Walworth
ARSENIC	0.014	MG/L	WILLIAMS BAY WATERWORKS	47104596	OC	60	36822	D	Winnebago
ARSENIC	0.024	MG/L	WILLOW PINES MOBILE ESTATES	26508009	OC	30	36738	D	Walworth
ARSENIC	0.023	MG/L	WILLOW RUN RV CONDO ASSN	13300782	MC	98	36543	D	Lafayette
ARSENIC	0.025	MG/L	WIOTA SANITARY DISTRICT	15401353	OC	175	36754	W	Rock
ARSENIC	0.075	MG/L	WRIGHTS MOBILE HOME PARK	47106378	NN	25	36676	W	Winnebago
ARSENIC		MG/L	WYLDEWOOD BAPTIST SCHOOL/CHURCH						

Wastewater Facilities Sorted by Class of Treatment

Report for Treatment Class LAGOONS/PONDS

<i>FACILITY OWNER</i>	<i>SPECIFIC TREATMENT PROCESSES WITHIN</i>
ALMENA, VILLAGE	AERATED LAGOON(S)
ALMOND, VILLAGE	STABILIZATION POND(S)
AMANI SANITARY DISTRICT	FILL AND DRAW STABILIZATION POND(S)
ANDERSON SANITARY DISTRICT NO. 2	FILL AND DRAW STABILIZATION POND(S)
ARCADIA, CITY	AERATED LAGOON(S)
ARKANSAW SANITARY DISTRICT NO. 1	STABILIZATION POND(S)
ARROWHEAD RESORT CAMPGROUND	AERATED LAGOON(S)
ASHIPPUN SANITARY DISTRICT	AERATED LAGOON(S) POLISHING POND
AUBURNDALE, VILLAGE	FILL AND DRAW POLISHING POND STABILIZATION POND(S)
AURORA SANITARY DISTRICT NO. 1	AERATED LAGOON(S)
BALSAM LAKE, VILLAGE	AERATED LAGOON(S)
BARNEVELD, VILLAGE	AERATED LAGOON(S)
BARRON WASTEWATER TREATMENT COMMISSION	AERATED LAGOON(S)
BAY CITY, VILLAGE	AERATED LAGOON(S)

FACILITY OWNER**SPECIFIC TREATMENT PROCESSES WITHIN**

BELGIUM, VILLAGE	AERATED LAGOON(S)
BELL SANITARY DISTRICT NO. 1	FILL AND DRAW
BIRCHWOOD, VILLAGE	AERATED LAGOON(S)
BOAZ, VILLAGE	STABILIZATION POND(S)
BOSTWICK VALLEY MOBILE HOME PARK	POLISHING POND
BOWLER, VILLAGE	AERATED LAGOON(S)
BOYCEVILLE, VILLAGE	AERATED LAGOON(S) STABILIZATION POND(S)
BRAZEAU SANITARY DISTRICT NO. 1	STABILIZATION POND(S)
BRIGHTON DALE COUNTY PARK	POLISHING POND
BROWNSVILLE, VILLAGE	AERATED LAGOON(S)
BROWNTOWN, VILLAGE	AERATED LAGOON(S)
BRUCE, VILLAGE	AERATED LAGOON(S) FILL AND DRAW
BRULE SANITARY DISTRICT NO. 1	STABILIZATION POND(S)
BRYLEE CORP. DBA CRYSTAL LAKE CAMPGROUND	STABILIZATION POND(S)
BURNETT SANITARY DISTRICT NO. 1	AERATED LAGOON(S)
BUTTE DES MORTS CONSOLIDATED S.D. NO. 1	AERATED LAGOON(S) Solids Settling Basin

FACILITY OWNER

SPECIFIC TREATMENT PROCESSES WITHIN

BUTTERNUT, VILLAGE

STABILIZATION POND(S)

CAMP AMNICON

FILL AND DRAW
STABILIZATION POND(S)

CAROLINE SANITARY DISTRICT NO. 1

FILL AND DRAW
STABILIZATION POND(S)

CASCADE, VILLAGE

AERATED LAGOON(S)

CAZENOVIA, VILLAGE

STABILIZATION POND(S)

CECIL, VILLAGE

POLISHING POND
STABILIZATION POND(S)

CEDAR GROVE, VILLAGE

AERATED LAGOON(S)

CENTURIA, VILLAGE

AERATED LAGOON(S)

CHILI SANITARY DISTRICT NO. 1

FILL AND DRAW

CLARK COUNTY HEALTH CARE CENTER

FILL AND DRAW

CLARKS MILLS SANITARY DISTRICT

AERATED LAGOON(S)
FILL AND DRAW

CLAYTON, VILLAGE

FILL AND DRAW
POLISHING POND
STABILIZATION POND(S)

CLOVER SANITARY DISTRICT NO.1

STABILIZATION POND(S)

CLYMAN, CITY

FILL AND DRAW
STABILIZATION POND(S)