

**Comments and DNR Responses
Natural Resources Board Order WY-27-20**

October 29, 2021

This document presents a summary of public comments received on proposed rules affecting chapters NR 114, 146, 520 and 524 related to allowing for third party administration of operator certification, well driller or pump installer license, and landfill operator examinations.

OVERVIEW

The goal of this rule is to provide online options for taking exams. The rule change will allow an organization under contract with the department to provide exams developed by the department. The department lacks the IT resources necessary to build its own online platform. Online exams will allow greater flexibility for taking exams throughout the year and expand the number of testing locations. In-person exams provided by the department will be offered on a limited basis, if a need is determined. The proposed rule changes were prompted by the Covid-19 public health emergency. Post-pandemic, however, these rule changes will continue to allow greater flexibility in meeting exam requirements and should create more opportunities for those wishing to enter this vital workforce.

A public comment period on the economic impact of the rule occurred from June 24 through July 24, 2021. The draft economic impact analysis was sent to professional associations representing water well drillers, heat exchange drillers, pump installers, landfills and their operators, septage businesses and septage haulers, incinerator operators, wastewater and drinking water operators. The associations included the WI Wastewater Operators Association, WI Rural Water Association, Municipal Environmental Group, WI Liquid Waste Carriers Association, and Wisconsin Counties Association. These same stakeholder groups were also invited to provide comment on the draft rule during the public comment period from September 1 to October 15, 2021. A public hearing on the draft rule was held October 12, 2021.

ECONOMIC IMPACTS ANALYSIS

A public comment period on the draft EIA occurred from June 24 to July 24, 2021. The department received one comment on the EIA during this period from one individual representing Wisconsin Liquid Waste Carriers Association.

From his written comment: “I do believe that for a few pumpers throughout the state a financial impact could exist. My opinion is that for the majority of pumpers paying an extra \$70.00 for a 1 hour exam would not create a financial impact for them. There would actually be a cost savings by not having to travel to take the exams. I would be in support of the third party exams.”

LEGISLATIVE COUNCIL RULES CLEARINGHOUSE

The Legislative Council Rules Clearinghouse submitted comments on statutory authority; form, style and placement; and clarity, grammar, punctuation and use of plain language. Changes to the proposed rule were made to address all recommendations by the Legislative Council Rules Clearinghouse.

PUBLIC COMMENTS ON DRAFT RULE

A public comment period for the draft rule occurred from September 1 to October 15, 2021, with a public hearing on October 12, 2021. An invitation to attend the public hearing was emailed to stakeholder

representatives on August 30, 2021, with instructions to broadly distribute. A reminder email was sent to those same stakeholders on October 11, 2021, the day prior to the public hearing. During the public hearing, 12 members of the public participated in the online hearing. One verbal comment in support of the rule change was offered during the hearing. Three additional written comments, all in support of the rule change, were submitted during the comment period. No comments opposing the draft rule were received. No changes were made to the draft rule due to the supportive responses from the public.

The following is a summary of comments received by the department.

#1 EmR2121, the emergency rule regarding 3rd party testing is very important to the septic servicing industry. This allows a much faster turn around time than previously. This rule needs to become permanent in order for businesses to be able to license service drivers in a much more efficient manner. Thank You

#2 On behalf of the Wisconsin Liquid Waste Carriers Association, I am writing in support of the proposed rule revision that would update the examination requirements found in NR 114, NR 146, NR 520 and NR 524.

The rule, as proposed, would allow for the third-party administration of online examinations. We view this as an improvement to the current testing program. As proponents of licensing for our industry, we recognize the value of the expanded access and increased timeliness of testing provided in the rule as proposed.

Many thanks to the Department for their efforts to work with the industry to identify this need and develop a rule that provides benefit without compromising the integrity of the testing process.

#3 MEG Wastewater is in support of the draft rules providing for third party administration of operator certification exams, and the flexibility provided in those rules for DNR to accommodate particular requests on an individual basis. We appreciate the work you have put into this rule and would be happy to discuss further as the rule moves forward.