



CR 83-156

State of Wisconsin

DEPARTMENT OF NATURAL RESOURCES

Carroll D. Besadny
Secretary

BOX 7921
MADISON, WISCONSIN 53707

RECEIVED

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1:55 pm.
Revisor of Statutes
Bureau

STATE OF WISCONSIN)
DEPARTMENT OF NATURAL RESOURCES) ss

TO ALL TO WHOM THESE PRESENTS SHALL COME, GREETINGS:

I, Carroll D. Besadny, Secretary of the Department of Natural Resources and custodian of the official records of said Department, do hereby certify that the annexed copy of Natural Resources Board Order No. SW-39-83 was duly approved and adopted by this Department on December 14, 1983. I further certify that said copy has been compared by me with the original on file in this Department and that the same is a true copy thereof, and of the whole of such original.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the official seal of the Department at General Executive Facility #2 in the City of Madison, this 17th day of February, 1984.

Carroll D. Besadny
Carroll D. Besadny, Secretary

(SEAL)

3032I

4-1-84

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

.....
IN THE MATTER of amending NR 181.55(5)(a) and .
NR 180.13(5)(a) and repealing and recreating .
NR 180 Table 1, NR 181 Table IX and NR 182 .
Table 1 of the Wisconsin Administrative Codes, .
pertaining to fee schedules for solid and .
hazardous waste plan reviews and license. .
.....

SW-39-83

Analysis Prepared by the
Department of Natural Resources

Sections 144.44(10) and 144.64(4)(a), Stats., as amended by 1983 Wisconsin Act 27 (the biennial budget) require the Department to establish a graduated schedule of license and review fees to be changed for solid and hazardous waste license and review activities. Solid and hazardous waste license and review activities consist of reviewing and issuing determinations on feasibility reports, plans of operation, closure plans and license applications and taking other actions to administer the solid and hazardous waste programs. Sections 144.44(10) and 144.64(4)(a), Stats., further require that plan review fees be established at a level to recover the anticipated program costs of conducting plan reviews. The biennial budget directed the department to establish fee schedules to generate approximately one million dollars per year in program revenues.

Chapters NR 180, 181, and 182, Wis. Adm. Code, contain fee schedules for plan review and licensing activities. These existing fee schedules generate about \$24,000 per year in plan review fees and \$215,000 per year in license fees. The fees established in these codes need to be increased to generate the program revenues specified in the biennial budget.

Pursuant to the authority vested in the State of Wisconsin Natural Resources Board by ss. 144.44(10), 144.64(4)(a) and 227.014(2)(a), Stats., the State of Wisconsin Natural Resources Board hereby amends and repeals and recreates rules interpreting ss. 144.44(10), 144.64(4)(a), Stats., as follows:

SECTION 1. NR 180 Table 1 is repeated and recreated to read:

TABLE 1
FEE SCHEDULE

NR 180	FACILITY TYPE	LICENSE REQUIRED	PLAN REVIEW REQUIRED	PLAN REVIEW FEES(1)(2)					LICENSE FEES				
				INITIAL SITE REPORT(3)	FEASIBILITY REPORT	PLAN OF OPERATION	SITE CONSTRUCTION DOCUMENTATION	CLOSURE PLAN	0-6 months	6-12 months	12-18 months	18-24 months and 2 yr renewals	
.07	STORAGE FACILITY												
	Containerized	No	No										
	Non-containerized	Yes	Yes	300		300	150			75	150	225	300
.08	Collection and Transportation	Yes	No							40	80	120	160
.09	Transfer Facility	Yes	Yes			300	150			75	150	225	300
.10	Processing Facility (4)(5)	Yes	Yes	300		300	150			75	150	225	300
.11	Incineration (4)(5)	Yes	Yes	300		300	150			75	150	225	300
.12	Air Curtain Destructor	Yes	Yes			300	150			75	150	225	300
.13	LAND DISPOSAL FACILITY (6)	Yes	Yes										
	Landfill <50,000 yds	Yes	Yes	700	1500	1500	150	150		100	200	300	400
	Landfill 50,000-500,000 yds	Yes	Yes	700	3000	2500	200	900		400	800	1200	1600
	Landfill >500,000 yds	Yes	Yes	700	4500	2500	400	1200		1125	2250	3375	4500
	Surface Impoundment	Yes	Yes		1500	1500	400	150		375	750	1125	1500
	Plan Modification (7)	No	Yes		600	600		150					
.14	Land Spreading Plan	Yes	Yes			500				100	200	300	400
	Other (8)	Yes	Yes	150		150	150			75	150	225	300
.20	Exemption Request	No	Yes			150							

- (1) The plan review fees specified in Table 1 cover the department's review from initial submittal through approval or denial of the report or plan. An applicant may revise or supplement a report or plan deemed incomplete and resubmit it without paying an additional review fee. The applicant shall pay a plan review fee as specified in Table 1 for resubmittal of a plan which has been previously denied or 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) For an Initial Site Report submittal which includes more than one site, the applicant shall pay a separate fee, as shown in Table 1, for each site.
- (4) If an applicant chooses not to submit a feasibility report for a processing facility or incinerator, but rather makes the initial submission of the plan of operation, the fee for review of the plan of operation as given in Table 1 shall be increased by the amount of the fee indicated under feasibility in Table 1.
- (5) 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.
- (6) The applicant shall pay a maximum 2-year license fee of \$1600 for landfills which are licensed to accept only wastewater treatment plant sludge, ash, foundry waste, demolition waste and other wastes of a similar nature not requiring daily cover pursuant to s. NR 180.13(10)(a)8.
- (7) A plan modification, as referred to in Table 1, is a submittal which proposes to modify a feasibility report, plan of operation or closure plan previously approved by the department.
- (8) Submittals termed as "Other" in Table 1 include such submittals as reports and plans required under s. NR 180.18, plans for woodburning facilities and plans for one-time disposal under s. NR 180.13(2)(b)2.

SECTION 2. NR 180.13(5)(a) is amended to read:

(5) INITIAL SITE REPORT. (a) Any person, prior to submitting a feasibility report, may submit an initial site report in accordance with s. NR 180.06(1) to the department. The purpose of submitting this report is to obtain a preliminary opinion from the department on the potential of the site for development and the advisability of spending additional time and funds to prepare a feasibility report. The department ~~will~~ shall review and respond to the initial site report within 90 days of receipt ~~and-at-no-cost-to-the-applicant.~~ A favorable determination under this section does not guarantee a favorable determination of site feasibility.

SECTION 3. NR 181.55(5)(a) is amended to read:

(5)(a) This subsection is not applicable to interim licenses issued under ss. NR 181.53 and 181.54 except for the fees specified in Table IX and the provisions of par. (e). The applicant shall pay the fee specified for an interim license or a variance under sub. (10) prior to its issuance. These fees shall be paid in addition to any plan review fee required.

SECTION 4. NR 181 Table IX is repealed and recreated to read:

TABLE IX
FEE SCHEDULE

NR	FACILITY TYPE	LICENSE REQUIRED	PLAN REVIEW REQUIRED	PLAN REVIEW FEES (1)				LICENSE FEES				
				FEASIBILITY REPORT	PLAN OF OPERATION	SITE CONSTRUCTION DOCUMENTATION	CLOSURE PLAN	0-6 months	6-12 months	12-18 months	18-24 months and 2 yr renewals	Interim License and Variance
.43 and .435	Storage	Yes	Yes	500	500	200	200	175	350	525	700	700
Part IV	Transportation	Yes	No					100	200	300	400	
.44	Landfill	Yes	Yes	10000	10000	1000	1500	5000	10000	15000	20000	20000
.44	Surface Impoundment	Yes	Yes	10000	10000	1000	1500	5000	10000	15000	20000	20000
.45	Incineration (2)	Yes	Yes	1400	1400	300	200	450	900	1350	1800	1800
.46	Treatment (2)	Yes	Yes	1400	1400	300	200	450	900	1350	1800	1800
	Plan Modification (3)	No	Yes	500	500		500					
.47	Other	Yes	Yes	1400	1400	300		450	900	1350	1800	1800

- (1) The plan review fees specified in Table IX cover the department's review from initial submittal through approval or denial of the report or plan. An applicant may revise or supplement a report or plan deemed incomplete and resubmit it without paying an additional review fee. The applicant shall pay a plan review fee as specified in Table IX for resubmittal of a plan which has been previously denied or withdrawn after having been determined to be complete.
- (2) The department shall waive the plan review fees and license fees for a treatment facility or incinerator which has a primary purpose of converting hazardous waste into usable materials, products or energy.
- (3) A plan modification, as referred to in Table IX, is a submittal which proposes to modify a feasibility report, plan of operation or closure plan previously approved by the department.

SECTION 5. NR 182 Table 1 is repealed
and recreated to read:

. TABLE 1

PLAN REVIEW FEES(1)

Type	Feasibility Report	Plan of Operation
Storage	1500	1500
Land Disposal	4500	4500
Other	1500	1500

LICENSE FEES

Type	Initial License	Periodic Review Fee
Storage	1500	1500
Land Disposal	1500	1500
Other	1500	1500

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

The foregoing rules were approved and adopted by the State of Wisconsin Natural Resources Board on December 14, 1983.

The rules contained herein shall take effect as provided in s. 227.026 (1)(intro.), Stats.

Dated at Madison, Wisconsin February 17, 1984

STATE OF WISCONSIN DEPARTMENT OF NATURAL RESOURCES

By Carroll D. Besadny
Carroll D. Besadny, Secretary

(SEAL)



State of Wisconsin

DEPARTMENT OF NATURAL RESOURCES

Carroll D. Besadny
Secretary

BOX 7921
MADISON, WISCONSIN 53707

February 17, 1984

IN REPLY REFER TO: 1020

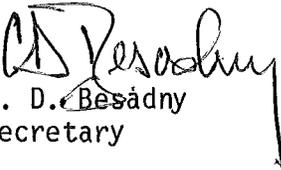
Mr. Orlan L. Prestegard
Revisor of Statutes
411 West
C A P I T O L

Dear Mr. Prestegard:

Enclosed are two copies, including one certified copy, of State of Wisconsin Natural Resources Board Order No. SW-39-83. These rules were reviewed by the Assembly Committee on Environmental Resources and the Senate Committee on Energy and Environmental Resources pursuant to s. 227.018, Stats. Summaries of the final regulatory flexibility analysis and comments of the legislative review committees is also enclosed.

You will note that this order takes effect following publication. Kindly publish it in the Administrative Code accordingly.

Sincerely,


C. D. Besadny
Secretary

Enc.
30321