

ADMINISTRATIVE RULES Fiscal Estimate & Economic Impact Analysis

<p>1. Type of Estimate and Analysis <input checked="" type="checkbox"/> Original <input type="checkbox"/> Updated <input type="checkbox"/> Corrected</p>	<p>2. Date 6-21-2018</p>
<p>3. Administrative Rule Chapter, Title and Number (and Clearinghouse Number if applicable) Chapter NR 514 Plan of Operation and Closure Plans for Landfills</p>	
<p>4. Subject Research, development and demonstration plans at municipal solid waste landfills and amendments to ch. NR 514.</p>	
<p>5. Fund Sources Affected <input type="checkbox"/> GPR <input type="checkbox"/> FED <input type="checkbox"/> PRO <input type="checkbox"/> PRS <input type="checkbox"/> SEG <input type="checkbox"/> SEG-S</p>	<p>6. Chapter 20, Stats. Appropriations Affected</p>
<p>7. Fiscal Effect of Implementing the Rule <input checked="" type="checkbox"/> No Fiscal Effect <input type="checkbox"/> Increase Existing Revenues <input type="checkbox"/> Increase Costs <input type="checkbox"/> Decrease Costs <input type="checkbox"/> Indeterminate <input type="checkbox"/> Decrease Existing Revenues <input type="checkbox"/> Could Absorb Within Agency's Budget</p>	
<p>8. The Rule Will Impact the Following (Check All That Apply) <input type="checkbox"/> State's Economy <input checked="" type="checkbox"/> Specific Businesses/Sectors <input type="checkbox"/> Local Government Units <input type="checkbox"/> Public Utility Rate Payers <input type="checkbox"/> Small Businesses (if checked, complete Attachment A)</p>	
<p>9. Estimate of Implementation and Compliance to Businesses, Local Governmental Units and Individuals, per s. 227.137(3)(b)(1). \$0</p>	
<p>10. Would Implementation and Compliance Costs Businesses, Local Governmental Units and Individuals Be \$10 Million or more Over Any 2-year Period, per s. 227.137(3)(b)(2)? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p>	
<p>11. Policy Problem Addressed by the Rule The proposed amendments would increase the maximum term for research, development and demonstration (RDD) projects at municipal solid waste landfills to 21 years to be consistent with federal rule revisions. The current RDD project limit is 12 years. This change will allow landfill owners or operators who voluntarily chose to conduct RDD projects to continue their current approved projects at landfills for an extended period. RDD projects are intended to allow for research and development at licensed landfills on activities such as addition of liquids for accelerated decomposition of the waste mass, allowing run-on water to flow into the landfill waste mass, and allowing testing of the construction and infiltration performance of alternative final cover systems. The research, development and demonstration plans may be proposed for other measures to be taken to enhance stabilization of the waste mass.</p>	
<p>12. Summary of the Businesses, Business Sectors, Associations Representing Business, Local Governmental Units, and Individuals that may be Affected by the Proposed Rule that were Contacted for Comments. The department sent a notice for solicitation of comments to municipal solid waste landfills in Wisconsin with RDD projects as well as to all 2,740 subscribers on the Solid Waste News listserve that is managed by the department. In addition, the League of WI Municipalities, WI Counties Association, WI Towns Association, and the Waste Management Study Group were contacted for comments.</p>	
<p>13. Identify the Local Governmental Units that Participated in the Development of this EIA. No local governmental units requested to participate in development of this EIA.</p>	
<p>14. Summary of Rule's Economic and Fiscal Impact on Specific Businesses, Business Sectors, Public Utility Rate Payers, Local Governmental Units and the State's Economy as a Whole (Include Implementation and Compliance Costs Expected to be Incurred) No economic impact comments were received during the open comment period held June 4-18, 2018. Owners/operators operating under existing RDD approvals are not expected to incur any new costs as a result of the proposed rule. The annual costs for ongoing recordkeeping and annual reporting requirements are estimated at \$2,410 per facility based on the information reported by EPA in the Federal Register for the federal rule revisions (Vol. 81, No. 90, May 10, 2016). It is important to note that application for a RDD approval remains voluntary.</p>	

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15. Benefits of Implementing the Rule and Alternative(s) to Implementing the Rule

The proposed rule would allow municipal solid waste landfills additional time to conduct RDD projects and address other minor updates to language in ch. NR 514. Currently, there are 15 municipal solid waste landfills in Wisconsin with active RDD plan approvals. The RDD plans allow for the addition of liquid waste into municipal solid wastes, which supports organic stability goals or accelerated decomposition of the waste mass in landfills. This also provides additional disposal options for generators of liquid waste. The alternative to the proposed rule would be to maintain the current limit of a maximum of 12 years, which is less than the 21 years now allowed by federal rule. If additional extensions are not an available option, RDD plan approvals reaching the current 12-year maximum will not be able to be renewed, and the municipal solid waste landfills will need to rely on other mechanisms for achieving organic stability goals and for managing liquid waste. This would also apply to other RDD projects that could be pursued, such as allowing run-on water to flow into the landfill waste mass, allowing testing of the construction and infiltration performance of alternative final cover systems, and other measures determined to enhance stabilization of the waste mass.

16. Long Range Implications of Implementing the Rule

The proposed rule would allow additional time to conduct RDD projects, which would provide additional monitoring and performance data for projects that are not otherwise addressed under current federal or state regulations.

17. Compare With Approaches Being Used by Federal Government

On May 10, 2016, the U.S. Environmental Protection Agency (EPA) published final revisions to 40 CFR 258.4(e)(1) to revise the maximum permit term for research, development and demonstration permits for municipal solid waste landfills. The rule revision allowed states to increase RDD permit terms to 21 years.

18. Compare With Approaches Being Used by Neighboring States (Illinois, Iowa, Michigan and Minnesota)

Illinois, Michigan and Minnesota all have RDD regulations, which are consistent with federal rule revisions. Iowa has RDD regulations, which are consistent with the federal rule except Iowa regulations currently limit projects to 12 years.

19. Contact Name	20. Contact Phone Number
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ATTACHMENT A

1. Summary of Rule's Economic and Fiscal Impact on Small Businesses (Separately for each Small Business Sector, Include Implementation and Compliance Costs Expected to be Incurred)

Impacts to small businesses are not anticipated.

2. Summary of the data sources used to measure the Rule's impact on Small Businesses

Only 15 municipal solid waste landfills have approvals for research, development and demonstration projects that would be directly affected by this rule. None of the four entities that own the 15 landfills would be considered small businesses under the definition in s. 227.114 (1), Stats.

3. Did the agency consider the following methods to reduce the impact of the Rule on Small Businesses?

- Less Stringent Compliance or Reporting Requirements
- Less Stringent Schedules or Deadlines for Compliance or Reporting
- Consolidation or Simplification of Reporting Requirements
- Establishment of performance standards in lieu of Design or Operational Standards
- Exemption of Small Businesses from some or all requirements
- Other, describe:

4. Describe the methods incorporated into the Rule that will reduce its impact on Small Businesses

5. Describe the Rule's Enforcement Provisions

6. Did the Agency prepare a Cost Benefit Analysis (if Yes, attach to form)

- Yes No
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