Notice of Hearing

The Department of Natural Resources announces that it will hold a public hearing on a permanent rule to revise ch. NR 102 and create ch. NR 119, relating to establishing procedures for developing site-specific numeric phosphorus water quality criteria for surface waters, at the time and place shown below.

Hearing Information

Date: Thursday, September 12, 2019

Time: 10:00 a.m.

Locations (simultaneous via Telepresence):

- Madison: Department of Natural Resources, 101 S. Webster St., Madison, WI 53707, Room G09
- Green Bay: DNR Service Center, 2984 Shawano Ave, Green Bay WI 54313, Lake Michigan Room

Rule Information

The proposed rule creates ch. NR 119 to establish a methodology and process for establishing site-specific phosphorus criteria for surface waters. Instead of promulgating the numeric value for each site-specific criteria (SSC) in a rule, the department is proposing to promulgate the methodology and a process for determining an SSC.

Accessibility

Hearing impaired persons may request an interpreter for this hearing. Please make reservations for a hearing interpreter at least 10 days before the date of the scheduled hearing, by writing to e-mail Kristi.Minahan@wisconsin.gov.

1. Alternatively, you may contact the Department of Natural Resources TDD at (608) 267-6897. The hearing facility is accessible to disabled users.
2. Pursuant to the Americans with Disabilities Act, reasonable accommodations, including the provision of information material in an alternative format, will be provided for qualified individuals with disabilities upon request. Please call with specific information on your request at least 10 days before the date of the scheduled hearing.
3. Handicap access is available at the hearing location.

Appearances at the Hearing and Submittal of Written Comments

The public has the opportunity to testify at the hearing. Registration will take place at the hearing by completing a Hearing Appearance form, which will be provided. Comments on the proposed rule must be received on or before September 20, 2019. The Hearing Appearance form

also can be used for submitting a written comment at the hearing. Written comments may be submitted by U.S. mail, fax, E-mail, or through the internet and will have the same weight and effect as oral statements presented at the public hearing. Written comments and any questions on the proposed rules should be submitted to:

Department of Natural Resources
Attn: Kristi Minahan – WY/3
P.O. Box 7921
101 S. Webster Street,
Madison, WI 53707-7921

The rule may be viewed at: https://dnr.wi.gov/news/input/ProposedPermanent.html

Comments can be made at: DNRAdministrativeRulesComments@wisconsin.gov

Initial Regulatory Flexibility Analysis

Because this rule simply clarifies and documents a process for conducting a review already expressly allowed in existing code, the creation of this rule is not expected to incur costs. The processes outlined in this rule are similar to those that the Department has followed under the existing rule, NR 102.06(7). Small businesses that may be interested in this rule include those with a permitted water discharge or that provide tourism/recreation-based services. Such entities may have an interest in using the processes established in this rule to develop a proposed SSC. By specifying the type of demonstration that needs to be made to support an SSC, the rule may save requestors costs and time by streamlining their study design and reducing the time needed for SSC approval.

Agency Small Business Regulatory Coordinator

Daniela Branco, (608) 266-7524
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Dated at Madison, Wisconsin _____

STATE OF WISCONSIN

DEPARTMENT OF NATURAL RESOURCES

By _____

Preston D. Cole, Secretary