

## Notice of Hearing

The Department of Natural Resources announces that it will hold a public hearing on a permanent rule, Board Order WA-17-18, to revise chs. NR 500 to 520 relating to coal combustion residual landfills. In accordance with s. 227.17, Wis. Stats., the DNR is seeking public comment and feedback on WA-17-18 at the time and virtual location shown below.

### Hearing Information

Date: October 28, 2021

Time: 2:30 p.m.

Virtual Location Link:

- [Join Meeting](#)
- Meeting URL: <https://us02web.zoom.us/j/89506654391>
- One tap mobile: US: [+13126266799](tel:+13126266799), [89506654391#](tel:+19292056099) or [+19292056099](tel:+19292056099), [89506654391#](tel:+13017158592)
- Join by phone: US: +1 312 626 6799 or +1 929 205 6099 or +1 301 715 8592 or +1 346 248 7799 or +1 669 900 6833 or +1 253 215 8782
- Meeting ID: 895 0665 4391

### Rule Information

The proposed rule would amend portions of chs. NR 500 to 520, Wis. Adm. Code, to incorporate new federal rules for the regulation of coal combustion residual (CCR) landfills. CCR, often called coal ash, is created when coal is burned by power plants to produce electricity. Wisconsin currently regulates CCR landfills under its solid waste management rules. The proposed rule would incorporate new federal requirements for CCR landfills, such as: location restrictions, design criteria, operating criteria, groundwater monitoring and corrective action criteria, closure and post-closure care and recordkeeping, notification, and posting of information. The proposed rule would allow Wisconsin to seek approval of a state CCR permit program from the U.S. Environmental Protection Agency (EPA). This would allow CCR landfill operators to comply with a single consolidated rule rather than both state and federal rules. Where federal rules and Wisconsin rules differ, Wisconsin rules are required by EPA to be at least as protective as the federal rules.

### Accessibility

For the hearing or visually impaired, non-English speakers, or those with other personal circumstances which might make communication at the meeting/hearing difficult, DNR will, to the maximum extent possible and with reasonable advance notice, provide aids including an interpreter, or a non-English, large-print, or recorded version of hearing documents. To access these resources, please contact the email address or phone number listed below as soon as possible.

### Appearances at the Hearing and Submittal of Written Comments

The public has the opportunity to testify at the hearing. To register and join the hearing online or by phone, use the hearing information provided above. Pre-registration is also available and is strongly encouraged if you plan to provide spoken comments during the hearing. To pre-register, either use

the Zoom link above or download and complete the fillable [Hearing Appearance form](#) and send it to [Valerie.Joosten@wisconsin.gov](mailto:Valerie.Joosten@wisconsin.gov).

Comments on the proposed rule must be received on or before November 4, 2021. Written comments may be submitted by U.S. mail, 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:**

Attn: Valerie Joosten  
Department of Natural Resources  
Northeast Region Headquarters  
2984 Shawano Ave.  
Green Bay, WI 54313  
(920) 662-5486  
[Valerie.Joosten@wisconsin.gov](mailto:Valerie.Joosten@wisconsin.gov)

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

Comments can be made at: [DNRAAdministrativeRulesComments@wisconsin.gov](mailto:DNRAAdministrativeRulesComments@wisconsin.gov)

The rule may be reviewed, and comments made at: <http://docs.legis.wisconsin.gov/code/chr/hearings>.

### **Initial Regulatory Flexibility Analysis**

The rule is not likely to have an impact on small businesses. CCR landfills are operated by electric utilities that do not meet the definition of a small business under s. 227.114(1), Wis. Stats. The proposed rule would modify Wisconsin regulations to incorporate requirements of the federal rule into Wisconsin's existing rules to allow Wisconsin to apply for a CCR state permit program. Most of the changes in the proposed rule have already been implemented by the federal government and facilities have already complied with the federal rule. Any additional requirements as a result of the proposed rule are procedural requirements for initial permitting or related to the consolidation of state and federal requirements. Any additional cost as a result of this proposed rule will be related to a facility's plan preparation for initial permitting and Department review of plans or annual reports.

### **Agency Small Business Regulatory Coordinator:**

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