

Chapter NR 749

FEEES FOR PROVIDING ASSISTANCE; REMEDIATION AND REDEVELOPMENT PROGRAM

NR 749.01 Purpose.
NR 749.02 Applicability.

NR 749.03 Effective date.
NR 749.04 Fees.

Note: Chapter NR 749 was created as an emergency rule effective September 19, 1998.

NR 749.01 Purpose. The purpose of this chapter is to establish fees to offset the department’s costs of providing assistance under ch. 292, Stats. The department’s authority to impose fees is found in ss. 292.11 (7) (d) 2., 292.13 (3), 292.21 (1) (c) 1. d., 292.35 (13) and 292.55 (2), Stats.

History: Cr. Register, January, 1999, No. 517, eff. 2–15–99.

NR 749.02 Applicability. This chapter applies to persons seeking department assistance under ch. 292, Stats., except that those persons seeking department assistance under s. 292.15, Stats., shall comply with ch. NR 750.

History: Cr. Register, January, 1999, No. 517, eff. 2–15–99.

NR 749.03 Effective date. Beginning on February 15, 1999, persons requesting department assistance under ch. 292, Stats., shall pay the applicable fee listed in Table 1 for all submittals received after February 15, 1999.

History: Cr. Register, January, 1999, No. 517, eff. 2–15–99.

NR 749.04 Fees. (1) When a person requests the department to review a document listed in Table 1, the person requesting this assistance shall pay to the department the applicable fees. A person may request that department assistance be provided in either written form or in the form of oral comments. Appropriate fees shall accompany all requests for specific department assistance. Department assistance will not be provided unless the applicable fee accompanies the request for assistance. These fees are not proratable or refundable.

Note: If the NR 700 series rules require that a document be submitted to the department, such as in s. NR 716.09 (1), but the person does not specifically request a department review of the document, then a review fee is not required.

Note: The department has prepared a document which provides additional information and guidance for implementing this rule. A copy can be obtained by contacting the Bureau for Remediation and Redevelopment, Public Information Requests, P.O. Box 7921, Madison, WI 53707.

(2) If the department determines that a request for assistance does not contain enough information to render an opinion, or that the request is incomplete or inaccurate in some other manner, the department will notify the applicant of the reasons for this decision.

History: Cr. Register, January, 1999, No. 517, eff. 2–15–99; CR 01–129: am. Table 1, Register July 2002 No. 559, eff. 8–1–02.

TABLE 1 – FEE SCHEDULE

Type of Letter or Assistance	Statutory Citation	Fee
Tax Cancellation Agreement	ss. 75.105 (2) (d) and 292.55	\$ 500
Negotiated Agreements	s. 292.11 (7) (d) 2.	1000
Off–site Letters	s. 292.13 (3)	500
Lender Assessments	s. 292.21 (1) (c) 1. d.	500
Negotiation and Cost Recovery	s. 292.35 (13)	(a)
General Liability Clarification Letters	s. 292.55	500
Lease Letters – Single Properties	s. 292.55	500
Lease Letters – Multiple Properties	s. 292.55	1000
Case Close–out by the Department under ch. NR 726 (b)	s. 292.55	
–Cases with no groundwater contamination exceeding ESs		750
–Cases with groundwater contamination exceeding ESs		1000
Adding a Site to the GIS Registry	s. 292.55	
–Cases submitted for closure with groundwater exceeding ESs to agencies other than the department		250
–Cases submitted for closure with soil contamination exceeding RCLs		200
Site Investigation Workplan	s. 292.55	500
Site Investigation Report	s. 292.55	750
Site Specific Soil Cleanup Standards; NR 720.19 Reports	s. 292.55	750

TABLE 1 – FEE SCHEDULE – Continued

Type of Letter or Assistance	Statutory Citation	Fee
Remedial Action Options Report	s. 292.55	750
Remedial Design Reports	s. 292.55	750
Operation and Maintenance Reports	s. 292.55	300
Construction Documentation Report	s. 292.55	250
Long-term Monitoring Plans	s. 292.55	300
No Further Action Letters under ch. NR 708 ^(c)	s. 292.55	250
Other Technical Assistance	s. 292.55	500

(a) Local governmental units in the negotiation and cost recovery process in s. 292.35, Stats., shall pay fees for each service requested.

(b) All requests for case closure need to be accompanied by the review fee in order to be considered complete.

(c) Immediate actions associated with spill cleanup activities, including department signoff on the spill reporting form, do not require a review fee.

Note: The department will not review Phase I or Phase II Environmental Assessments, unless they are part of the Voluntary Party Liability Exemption process in s. 292.15, Stats., or as part of a lender requesting this review in accordance with s. 292.21 (1) (c) 1. d., Stats.