



JAMES W. EDMING

STATE REPRESENTATIVE • 87TH ASSEMBLY DISTRICT

DATE: May 12, 2015
RE: Testimony on 2015 Assembly Bill 158
TO: The Assembly Committee on Environment and Forestry
FROM: Office of Representative James W. Edming

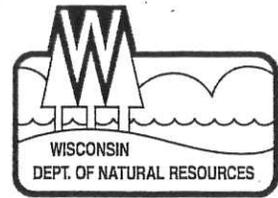
Thank you for holding a hearing on Assembly Bill 158 and allowing me to testify in favor of this bill. I believe that this non-partisan piece of legislation will help ensure that administrative code remains up-to-date.

For the past 25 years, both pollution and sewer overflow abatement projects have been funded through the clean water fund program. Currently, the Department of Safety and Professional Services administers financial assistance to wastewater treatment systems. The Department of Natural Resources had previous jurisdiction over these three programs and corresponding agency administrative rules still exist.

Assembly Bill 158 eliminates Chapter NR 128 of administrative code, as these rules are obsolete. These changes reflect the Red Tape Review's goal of removing burdensome and outdated regulations to ensure that rules are current and still serve a purpose.

Administrative rules should be evaluated and reviewed. When the intended purpose of code is no longer being met, rules should be reassessed and repealed as needed. Assembly Bill 158 follows this mindset and abolishes code that has not been utilized in 25 years.

Thank you for your time and attention and I ask that you support this legislation. I would be happy to answer any questions.



STATE OF WISCONSIN LEGISLATURE
BEFORE THE
ASSEMBLY COMMITTEE ON ENVIRONMENT AND FORESTRY

TESTIMONY PRESENTED IN THE MATTER OF
ASSEMBLY BILL 158 (LRB-1713/1)
May 12, 2015

Good afternoon Chairman Mursau and members of the Committee. My name is Robin Schmidt and I am the DNR section chief for the wastewater and drinking water revolving loan programs. Thank you for this opportunity to testify, for information only, on Assembly Bill 158, which will repeal ch. NR 128, Wisconsin Administrative Code.

In 1987, changes to the federal Clean Water Act transformed the construction grant program administered by the WI DNR through ch. NR 128, to the current Clean Water Fund State Revolving Loan Program, administered by DNR through the current ch. NR 162. This change from a grant program to a revolving loan program ensured long term funding and stability for the financing of wastewater and stormwater infrastructure projects. Since the original grant program no longer exists and the 20-year design life of projects funded through the grant program has been surpassed it would be appropriate to repeal ch. NR 128.

Thank you for the opportunity to provide this information. I'd be happy to answer any questions you may have or provide further information to the committee and its members.



WISCONSIN MANUFACTURERS & COMMERCE

TO: Honorable Members of the Assembly Environment and Forestry Committee

FROM: Eric Bott, Director of Environmental and Energy Policy
Wisconsin Manufacturers and Commerce

DATE: May 12th, 2015

RE: Support Assembly Bill 158 and Assembly Bill 204 – Repealing Unlawful and Antiquated Rules

Wisconsin Manufacturers and Commerce (WMC) respectfully requests your support for two bills before the committee today – Assembly Bill (AB) 158 and AB 204, legislation that efficiently removes obsolete and unenforceable administrative rules from Wisconsin’s code. As Wisconsin’s State Chamber of Commerce and Manufacturing Association, representing more than 3,800 member companies statewide, WMC is dedicated to ensuring that Wisconsin is the most competitive state in the nation to do business. Eliminating confusing red tape is a small but smart way to work toward this goal.

AB 158 repeals NR 128, a chapter of the administrative code that no longer serves any practical purpose other than to create potential confusion for the regulated community. The programs administered under NR 128 have either been transferred to other agencies or no longer operate.

AB 204 repeals an unlawful provision of Wisconsin’s administrative code to maintain consistency with the federal Clean Air Act. In order to remain competitive, it is critical that Wisconsin avoid state requirements that are inconsistent or more stringent than those enforced by the U.S. Environmental Protection Agency (EPA). Such requirements drive up costs, add unnecessary confusion, and increase exposure to potential litigation.

In 2010, the EPA proposed a new series of regulations, including expansive new permitting requirements for power plants and large industrial facilities with the potential to emit greenhouse gases (GHGs) above certain thresholds. Wisconsin soon after adopted NR 405.07(9)(a)2 to maintain constancy with EPA’s new regulation.

Last June, however, the U.S. Supreme Court rejected EPA’s attempt to regulate GHGs emitted by stationary sources without the consent of Congress. As a party to the case heard by the U.S. Supreme Court, WMC commended the court for affirming the fact that we in America live in a nation of laws and not of bureaucratic whim. State and federal agencies must be held to the letter of the law just as citizens are each and every day.

Now that the U.S. Supreme Court has invalidated this portion of EPA’s rule, Wis. Stat. §§ 285.11(16) and (17) compel the State to repeal its own unenforceable rule in NR 405. WMC commends the leadership of Rep. Jesse Kremer and Sen. Terry Moulton for seeking to resolve this problem through legislation, a considerably less time consuming and costly approach as compared to the administrative rules process. WMC also thanks Rep. James Edming and Sen. Jerry Petrowski for championing AB 158.

Again, AB 158 and AB 204 will reduce confusion and potential costs for Wisconsin employers and strongly deserve your support.

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Founded in 1911, WMC is Wisconsin’s chamber of commerce and largest business trade association.