

**BEFORE THE
DEPARTMENT OF NATURAL RESOURCES
NOTICE OF PUBLIC HEARINGS
Natural Resources Board Order WT-28-10**

NOTICE IS HEREBY GIVEN that pursuant to ss. 283.11(1), (2); 283.21(2), and 283.31, interpreting ss. 283.11(1), (2), 283.21(2), and 283.31, Wis. Stats., the Department of Natural Resources (DNR) will hold a public hearing on proposed revisions to ch. NR 211, Wis. Admin. Code, relating to wastewater pretreatment requirements for DNR, pretreatment programs of publicly owned treatment works (POTWs) and for industries discharging wastewater to POTWs.

NOTICE IS HEREBY FURTHER GIVEN that a public hearing will be held on:

Date/Time

Location

March 19, 2013/1:30 – 4:00 p.m.

Wisconsin Dept. of Administration
101 E. Wilson St.
St. Croix Room
Madison, WI

Availability of the Proposed Rule and the Fiscal Estimate and Economic Impact Analysis

The proposed rule revisions, including the Fiscal Estimate and the Economic Impact Analysis may be viewed and downloaded and comments electronically submitted at the following internet site: <https://health.wisconsin.gov/admrules/public/Rmo?nRmoId=10943> [type “NR 211” in the “search” field].

If you do not have internet access, a copy of the proposed rules and supporting documents, including the Fiscal Estimate and Economic Impact Analysis may be obtained from Robert Liska, DNR-WT/3, P.O. Box 7921, Madison, WI 53707-7921 or by calling (608) 267-7631.

Place Where Comments are to be Submitted and Deadline for Submission

Written comments on the proposed rules may be submitted via U. S. mail to Robert Liska, DNR-WT/3, P.O. Box 7921, Madison, WI 53707-7921 or by e-mail to: Robert.Liska@Wisconsin.gov

Comments may be submitted using the internet site where the rule and other documents have been posted [<https://health.wisconsin.gov/admrules/public/Rmo?nRmoId=10943>]. Please follow the guidelines stated on this site when submitting comments.

Comments submitted on or before **March 29, 2013** will be considered in developing a final rule. Written comments whether submitted electronically or by U. S. mail will have the same weight and effect as oral statements presented at the public hearings.

Analysis Prepared by Department of Natural Resources

The Department is proposing changes to Wisconsin Administrative Code Chap. NR 211 (General Pretreatment Requirements) regarding wastewater pretreatment requirements for the Department,

for municipal pretreatment programs at publicly owned treatment works (POTWs) and for the industries which discharge to them. The proposed changes incorporate new federal pretreatment requirements, collectively known as “the Streamlining Rule”, into NR 211 and enable Wisconsin’s pretreatment requirements to more closely conform to federal pretreatment regulations found in 40 CFR Part 403. The rule changes generally reduce the regulatory burden on municipal pretreatment programs and on industries.

The proposed revisions to NR 211 would make the following significant changes:

1. Remove sampling requirements for wastewater pollutants, discharged by industries to sanitary sewers, shown to be neither present nor expected to be present in the discharge.
2. Remove all pretreatment sampling and reporting requirements for industries never discharging more than 100 gallons per day (gpd) of regulated industrial wastewater to the sanitary sewer.
3. Reduce pretreatment sampling and reporting requirements (from twice per year to once per year) for industries which discharge less than .01 percent of the wastewater flow capacity of the municipal treatment plant they discharge to.
4. Reduce pretreatment inspection requirements (from once per year to once per 2 years) for municipal wastewater treatment plants, with industrial pretreatment programs, when inspecting industries which discharge less than .01 percent of the wastewater flow capacity of the municipal treatment plant they discharge to.
5. Require municipal wastewater treatment plants with industrial pretreatment programs to repeat sampling at industries if a test result from the municipal sample exceeded a limit.
6. Allow municipal wastewater treatment plants with industrial pretreatment programs to use a general discharge permit to regulate several similar industries rather than several individual discharge permits.
7. Require municipal wastewater treatment plants with industrial pretreatment programs to include applicable Best Management Practices and slug control measures in industrial discharge permits.

In addition, the Department proposes to eliminate outdated requirements in NR 211 for industries operating as centralized waste treaters that conflict with newer federal pretreatment requirements.

Initial Regulatory Flexibility Analysis Summary

The Department is proposing these changes because state law (s. 283.11(2), Wis. Stats.) requires that state wastewater rules comply with – and not exceed – requirements in federal wastewater regulations. Because the current version of NR 211 has different requirements than its federal counterpart, 40 CFR Part 403, the Department is proposing this action. In addition, the Department has been notified by US EPA that Wisconsin’s pretreatment requirements are not consistent with those in federal regulations. Also, all surrounding states have already adopted these federal pretreatment changes into their respective state pretreatment regulations.

Fiscal Analysis and Economic Impact Analysis Summary

From August 21, 2012 through September 21, 2012, the department solicited comments from industries and municipalities on the economic impact of the proposed rule change via a survey distributed to 108 DNR-regulated pretreatment industries and to 26 municipal pretreatment programs. The survey identified eight rule changes that could affect businesses and municipal pretreatment programs and requested comments from the recipients regarding the anticipated annual cost or benefit from the proposed changes

Based on the responses from 27 industries and four municipal pretreatment programs and Department estimates of the impact to commercial labs, the statewide economic impact of this rule appears to be minor. Totaling the costs and benefits reported by survey respondents, 224 industries likely to be affected by these rule changes may see average savings of \$810 each, with total statewide savings approaching \$181,000, three years after rule implementation; of the 20 municipal programs likely to be affected, two-thirds of them may see initial, one-time costs averaging \$15,000 each and one-third, increasing annual benefits of \$15,000 each, culminating in net, total statewide savings of \$90,000 annually after 3 years. Finally, the ten commercial laboratories affected may see combined, total revenue losses of \$33,000 per year after all affected industries have taken advantage of the rule changes in three years. While we recognize that these facilities are only a sampling of those in the state, we believe that their responses are representative of similar facilities throughout the state. Ultimately, the costs and benefits are both small enough that the economic impact of the streamlining regulations on the state is minimally positive at best, negligible at worst.

NOTICE IS HEREBY FURTHER GIVEN that the Department has made a preliminary determination that this action does not involve significant adverse environmental effects and does not need an environmental analysis under ch. NR 150, Wis. Adm. Code.

NOTICE IS HEREBY FURTHER GIVEN that pursuant to the Americans with Disabilities Act, reasonable accommodations, including the provision of informational material in an alternative format, will be provided for qualified individuals with disabilities upon request as noted below. The public hearing sites are accessible to people with disabilities. If you have special needs or circumstances that may make communication or accessibility difficult at a hearing site or require other accommodation, please contact Robert Liska at (608) 267-7631 (email: Robert.Liska@Wisconsin.gov) with specific information on your request at least 10 days before the date of the scheduled hearing.

Agency contact:

Robert Liska
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P. O. Box 7921
Madison, WI 53707-7921
Email: Robert.Liska@Wisconsin.gov
608-267-7631

Dated at Madison, Wisconsin _____

STATE OF WISCONSIN
DEPARTMENT OF NATURAL RESOURCES

By _____
Cathy Stepp, Secretary