

## ADMINISTRATIVE RULES Fiscal Estimate & Economic Impact Analysis

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1. Type of Estimate and Analysis

Original    Updated    Corrected

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2. Administrative Rule Chapter, Title and Number  
NR 219

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3. Subject

Analytical test procedures and approved methods.

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4. Fund Sources Affected

GPR    FED    PRO    PRS    SEG    SEG-S

5. Chapter 20, Stats. Appropriations Affected

none

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6. Fiscal Effect of Implementing the Rule

No Fiscal Effect       Increase Existing Revenues       Increase Costs  
 Indeterminate       Decrease Existing Revenues       Could Absorb Within Agency's Budget  
 Decrease Cost

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7. The Rule Will Impact the Following (Check All That Apply)

State's Economy       Specific Businesses/Sectors  
 Local Government Units       Public Utility Rate Payers  
 Small Businesses (if checked, complete Attachment A)

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8. Would Implementation and Compliance Costs Be Greater Than \$20 million?

Yes       No

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9. Policy Problem Addressed by the Rule

Current wastewater analysis methods being used are not in compliance with EPA requirements. The EPA is requiring the WDNR to remove the SW 846 methods for wastewater analysis from the rule. SW 846 methods will still be included in NR 219 and allowed to be used for the analysis of sludge (currently Table EM). In addition, we will be adding methods the EPA has promulgated in the Method Update Rule (MUR) dated May 18, 2012.

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10. Summary of the businesses, business sectors, associations representing business, local governmental units, and individuals that may be affected by the proposed rule that were contacted for comments.

Laboratories using SW 846 methods could potentially be affected. These include small businesses, businesses, and municipal wastewater treatment facilities (WWTF). In our preliminary research we conducted a survey of 57 labs that could potentially be using SW-846 methods.

We received 19 responses. Sixty-seven percent (thirteen respondents) anticipated no economic impact. Thirty-three percent (six respondents) anticipated some, but minimal economic impact.

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11. Identify the local governmental units that participated in the development of this EIA.

See above.

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12. Summary of Rule's Economic and Fiscal Impact on Specific Businesses, Business Sectors, Public Utility Rate Payers, Local Governmental Units and the State's Economy as a Whole (Include Implementation and Compliance Costs Expected to be Incurred)

We expect the economic and fiscal impact of this rule revision to be minimal. Those who responded to our survey reported costs ranging from \$50 to \$25,000. One lab did not provide a cost estimate. Four of the six respondents estimated costs less than \$4,500.

To estimate the economic impact statewide, we assume (based on responses) that 30 percent of state labs will need to revise their methods.

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## **ADMINISTRATIVE RULES**

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The majority of the costs come from staff time spent revising SOPs and validating the new methods. Alternative methods are available online for free through the EPA. Methods are similar enough that laboratory equipment and supplies will likely be comparable in cost. Costs to laboratories will primarily be incurred from time spent validating new methods and revising SOPs.

A survey was sent out to 57 labs known or believed to perform wastewater testing using the methods scheduled to be removed. There were 19 respondents (33% response rate). Survey questions and responses are as follows:

1. Do you use any of the SW-846 methods listed in NR219 for WPDES monitoring?

- Yes – 6 respondents
- No – 13 respondents.

2. Which SW-846 methods do you use?

- Respondents indicated an array of SW-846 methodologies, the majority of which were related to metals, volatile organics, and semivolatile organics.

3. Anticipated costs:

- \$50
- \$1,300
- \$2,000
- \$3,000-\$4,500
- \$25,000 (Note: There is no substantiation or rationale for this figure)
- Unknown

4. Lab equipment costs

- None/minor costs

5. Any anticipated difficulties

- Two said they would have to run both old and new methods which would be somewhat of a burden.

6. Other costs

- Most say none; one respondent said \$42,000/year resulting from running additional controls and standards. The elimination of SW-846 methods, however, will not result in any increased frequency for quality control samples or standards.

7. Respondent classification

- Small business: 4
- Business: 1
- Municipality/WWTF: 1

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In summary:

Minimal economic impact associated with this rule revision is anticipated. The majority of the costs are upfront costs resulting from labs having to change SOPs and from validating the new EPA methods. Even the minimal fiscal impact is unavoidable as this rule revision is being directed by the U.S. EPA.

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13. Benefits of Implementing the Rule and Alternative(s) to Implementing the Rule  
Wastewater analysis methods will be in compliance with EPA standards.

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14. Long Range Implications of Implementing the Rule  
The costs are primarily up-front implementation costs; therefore, there are very few long-range implications of implementing this rule beyond the WDNR being in compliance with EPA standards.

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15. Compare With Approaches Being Used by Federal Government  
These regulations are established by the U.S. EPA.

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16. Compare With Approaches Being Used by Neighboring States (Illinois, Iowa, Michigan and Minnesota)  
All the other U.S. EPA Region 5 states (Illinois, Indiana, Michigan, Minnesota and Ohio) are subject to the U.S. EPA regulations that are delegated to the states for implementation. Wisconsin's rules for laboratory standards should essentially be the same as the other states.

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17. Contact Name Richard Mealy	18. Contact Phone Number (608) 264-6006
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**ADMINISTRATIVE RULES**  
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**ATTACHMENT A**

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1. Summary of Rule's Economic and Fiscal Impact on Small Businesses (Separately for each Small Business Sector, Include Implementation and Compliance Costs Expected to be Incurred)

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2. Summary of the data sources used to measure the Rule's impact on Small Businesses

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3. Did the agency consider the following methods to reduce the impact of the Rule on Small Businesses?

- Less Stringent Compliance or Reporting Requirements
- Less Stringent Schedules or Deadlines for Compliance or Reporting
- Consolidation or Simplification of Reporting Requirements
- Establishment of performance standards in lieu of Design or Operational Standards
- Exemption of Small Businesses from some or all requirements
- Other, describe:

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4. Describe the methods incorporated into the Rule that will reduce its impact on Small Businesses

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5. Describe the Rule's Enforcement Provisions

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6. Did the Agency prepare a Cost Benefit Analysis (if Yes, attach to form)

- Yes    No
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