

Final Regulatory Flexibility Analysis

Natural Resources Board Order WT-12-12, Clearinghouse Rule 17-002

The impacts and benefits to small businesses are expected to be minimal and the same as the impacts and benefits for all facilities, consistent with federal requirements. The rule will primarily impact WPDES permittees, including publicly owned treatment plants (municipalities) and industrial wastewater dischargers such as power plants, pulp and paper mills, cheesemakers, food processors, and others. The majority of changes in this rule package are consistent with current department practices. In some isolated cases, the rule changes may inhibit the ability of permittees to receive relaxed limits. They also may allow industrial dischargers to receive alternative (more or less stringent) technology based limits due to factors that make the individual discharger fundamentally different from the industrial category to which it belongs by definition. All dischargers whose permits include new limitations will be subject to updated compliance schedule regulations, as well. In most other cases, changes in this rule package simply codify existing practices. See the economic impact analysis for further discussion of impacts and benefits. The department does not anticipate an increase in monitoring or compliance costs as a result of these proposed changes.

It is not possible to provide a quantified estimate of impacts or benefits only affecting small businesses because the rule changes will only have implications in isolated instances, and it is impossible to predict where, when, or how often these instances will occur in the future. Because the rule language must be consistent with federal regulations, the department was unable to provide regulatory flexibility or exemptions for small businesses above and beyond what already exists in federal regulations. Accordingly, there will be neither additional costs to the department nor any impacts to public health, safety, or welfare as a result of any added regulatory flexibility or exemptions. However, some of the federal regulations, such as the compliance schedule provisions, allow for discretion (e.g. in length of schedule) that may be used to lessen the regulatory burden on small businesses.

No small businesses provided economic reports or comments on the rule package, although Wisconsin Manufacturers and Commerce (WMC), which represents businesses of varying sizes, did provide three comments. See the Summary of Public Comments, Department Responses, and Modifications section above for summaries of WMC's comments and the department's responses.