

Report to
Legislative Council Rules Clearinghouse
NR 114, 146 and 524, Wis. Adm. Code
Natural Resources Board Order No. WY-27-20

Wisconsin Statutory Authority
Section 227.11 (2), Wis. Stats.

Federal Authority
None

Comparison of Adjacent States

Drinking water operator exams (ch. NR 114):

- Ohio and Indiana are the only two EPA Region V states allowing online exams.
- Iowa is providing online exams to landfill operators in place of written exams, during the pandemic.
- Fee comparisons:
 - Wisconsin: \$25 + \$70 estimated online fee (proposed \$95 total cost)
 - Indiana: \$30 + \$40 online fee
 - Ohio: \$45 + \$112 online fee
 - Illinois: \$40
 - Iowa: \$110
 - Michigan: \$70
 - Minnesota: \$55

Wastewater and Septage exams (ch. NR 114):

- Indiana has no statewide certification program. Some counties have rules in place.
- Minnesota offers written exams only. Fees are \$125.
- Ohio offers an online exam. Fees are \$80 to \$145 for a written exam; \$157 for online exams.
- Illinois offers written exams only for no fee.
- Iowa offers written exams only for \$110.
- Michigan offers written exams only. Fees are \$80-\$110.
- Wisconsin fees are \$25 for wastewater exams and septage exams are \$100. (With \$70 estimated online fee, a proposed \$95 or \$170 total cost.)

Well driller/pump installer exams (ch. NR 146):

- Ohio does not require an exam
- None of the EPA Region V states or Iowa offer an online exam.
- Fee comparisons:
 - Wisconsin: \$25 + \$90 estimated online fee (proposed \$115 total cost)
 - Indiana: \$25 + \$100 for license
 - Ohio: N/A (no exam required)
 - Illinois: \$50 well driller or pump installer, \$80 well driller and pump installer, \$175 closed loop driller

- Iowa: \$100 plus \$300 driller license, \$250 pump installer license
- Michigan: \$40 driller, \$25 pump installer
- Minnesota: \$75

Landfill exams (ch. NR 520 and 524):

- Illinois is considering third-party exams. Fees are currently \$500.
- Iowa is offering online exams only during the pandemic for \$20.
- Indiana offers an online exam. Fees are \$175 to \$225 for third-party exams.
- Michigan does not require exams for landfill operators.
- Minnesota offers a written exam only. Fees are \$375 which include a class and exam.
- Ohio is currently developing a landfill operator certification program.
- Wisconsin fees are \$200 for site operator examinations. (With \$70 estimated online fee, a proposed \$270 total cost.)

Court Decisions Directly Relevant

None

Analysis of the Rule - Rule Effect - Reason for the Rule

The proposed rule revisions update the examination requirements found in chs. NR 114, 146, 520, and 524, Wis. Adm. Code, to allow for third party administration of online examinations. Sections NR 114.05(2), 114.19(2), 114.33(3), and 114.54(2), Wis. Adm. Code, all currently state that the department shall administer in-person examinations for activities related to waterworks, septage servicing operators, water systems, and wastewater treatment plants at least twice annually at multiple locations throughout Wisconsin. Chapter NR 146, Wis. Adm. Code, which is dedicated to water well drillers, pump installer licensing and registration, and heat exchange drillers requires these professionals to pass an exam administered by the department (ss. NR 146.04(2)(i), (3)(c), and (9)(b), Wis. Adm. Code). Section NR 520.04(6), Wis. Adm. Code, specifies the fees for written exams taken by landfill facility managers and site operators. Section NR 524.08(3), Wis. Adm. Code, requires landfill operators to pass an exam administered by the department. The proposed administrative code provisions allow for a third-party organization to provide online exams to meet the needs of all these professions. The policy problem was initially highlighted by the COVID-19 pandemic. Post-pandemic, however, these rule changes will continue to allow greater flexibility in meeting exam requirements.

Agency Procedures for Promulgation

The department will hold an online hearing on October 12, 2021 at 2:00 p.m. The hearing will be followed by Natural Resources Board adoption, expected in December 2021, followed by a request for the governor's approval and legislative review.

Description of any Forms (attach copies if available)

Exam applicants will be required to fill out a slightly revised version of a current form. The form is necessary for the department to determine applicant eligibility, perform statute-required checks for tax delinquency, child support, and unemployment insurance. The form also provides the department with the information needed to enter the applicant in the department's database, in order to receive the online exam results once they are provided by the vendor.

The form modifications will include removing the applicants' selections for the department's exam sites. The revised form has not yet been created but will be made available on the DNR website.

The online exam vendor will require additional information, likely through an online form, that will include contact information, exam selection, exam date and location, and billing information. The vendor form is also not yet available. Approved applicants will be sent a link to the vendor form.

Name and Telephone Number of Agency Contacts

Processing: Emma Esch, 608-266-1959

Technical: Steve Geis, (608) 266-0245