

## **Report From Agency**

### REPORT TO LEGISLATURE

NR 114, 146, 520 and 524, Wis. Adm. Code

Board Order No. WY-27-20  
Clearinghouse Rule No. 21-068

#### Basis and Purpose of the Proposed Rule

The proposed rule revisions update the examination requirements 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, water systems, wastewater treatment plants, and septage servicing operators at least twice annually at multiple locations throughout Wisconsin. Chapter NR 146, Wis. Adm. Code, which is dedicated to water well drillers, heat exchange drillers and pump installer licensing and registration, requires these professionals to pass an exam administered by the department (s. NR 146.04(2)(i), (3)(c), and (9)(b), Wis. Adm. Code). 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.

#### Summary of Public Comments

See attached Comments and DNR Responses on Natural Resources Board Order WY-27-20.

#### Modifications Made

No changes were made to the draft rule. All comments registered were in support of the rule change.

#### Appearances at the Public Hearing

Alan Kaddatz – Pat’s Services, Inc.  
Bradley Rokus – City of Oshkosh  
David Flowers - Cedarburg  
Erik Schell – City of La Crosse  
Jared Greeno – City of La Crosse  
Jenny Pagel – Village of Clintonville  
Keith Graper – Village of Clintonville  
Larry Gates – City of Prairie du Chien  
Larry Swarr - Curtis  
Robert Dreikosen – City of Oshkosh  
Thomas Healy – Association of Boards of Certification  
Vanessa Wishart – Municipal Environmental Group

#### Changes to Rule Analysis and Fiscal Estimate

Following the public comment period there were no changes made to the plain language rule analysis, fiscal estimate, or the economic impact analysis. All comments were in support of the proposed changes to the rules.

### Response to Legislative Council Rules Clearinghouse Report

The Legislative Council Rules Clearinghouse submitted comments on statutory authority; form, style and placement; and clarity, grammar, punctuation and use of plain language. Changes to the proposed rule were made to address all recommendations by the Legislative Council Rules Clearinghouse.

### Final Regulatory Flexibility Analysis

The total maximum small business impact is estimated to be \$24,500 annually, as follows:

Septage Servicing Businesses – an average of 150 operators take exams annually. The cumulative maximum annual cost increase for this business sector will be approximately \$10,500 (150 exams X \$70/one-hour exam session).

Well Drillers, Pump Installers, Heat Exchange Drillers – an average of 140 individuals take this exam annually. The cumulative maximum annual cost increase for this business sector will be approximately \$12,600 (140 exams X \$90/three-hour exam session).

Landfills and Incinerators – an average of 20 new operators take this exam annually. The cumulative maximum annual cost increase for this business sector will be approximately \$1,400 (20 exams X \$70/one-hour exam session).

### Response to Small Business Regulatory Review Board Report

The Small Business Regulatory Review Board did not prepare a report on this rule proposal.