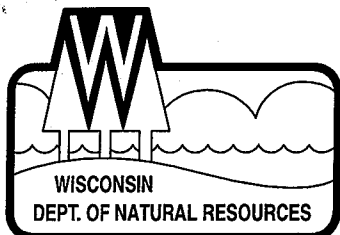


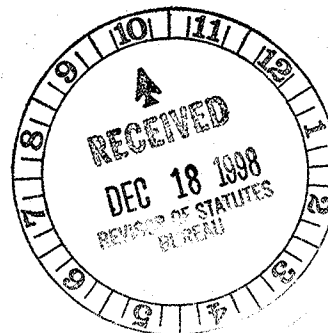
State of Wisconsin \ DEPARTMENT OF NATURAL RESOURCES



Tommy G. Thompson, Governor
George E. Meyer, Secretary

Box 7921
101 South Webster Street
Madison, Wisconsin 53707-7921
TELEPHONE 608-266-2621
FAX 608-267-3579
TDD 608-267-6897

STATE OF WISCONSIN)
)
) ss
DEPARTMENT OF NATURAL RESOURCES)



TO ALL TO WHOM THESE PRESENTS SHALL COME, GREETINGS:

I, George E. Meyer, Secretary of the Department of Natural Resources and custodian of the official records of said Department, do hereby certify that the annexed copy of Natural Resources Board Order No. RR-27-98 was duly approved and adopted by this Department on October 28, 1998. I further certify that said copy has been compared by me with the original on file in this Department and that the same is a true copy thereof, and of the whole of such original.

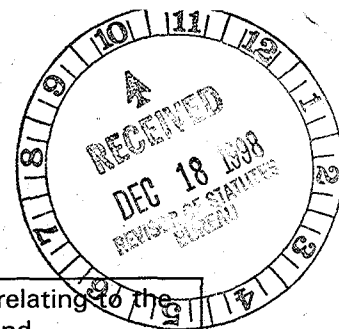
IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the official seal of the Department at the Natural Resources Building in the City of Madison, this 18th day of December, 1998.

George E. Meyer
George E. Meyer, Secretary

(SEAL)

3-1-99

ORDER OF THE STATE OF WISCONSIN
NATURAL RESOURCES BOARD CREATING RULES



The State of Wisconsin Natural Resources Board proposes an order to create NR 749 relating to the assessment and collection of fees for providing assistance regarding the remediation and redevelopment of contaminated lands.

RR-27-98

Analysis Prepared by the Department of Natural Resources

Statutory authority: ss. 227.11(2) and ch. 292, Stats.

Statutes interpreted: ch. 292, Stats.

This order creates ch. NR 749, Wis. Adm. Code which establishes a flat fee for persons requesting Department assistance under ch. 292, Stats. The 1997-99 Biennial Budget contained a major initiative in the area of Brownfields cleanup and redevelopment. The budget authorized the Department to collect fees, by rule, to offset the cost for much of the assistance currently provided and for the new services created in the budget.

In order to help successfully implement the Brownfields initiative, the budget allocated 7 new program revenue positions to the Remediation and Redevelopment Program which brings the total number of RR program revenue positions to 10. Promulgation of ch. NR 749 will allow the Department to devote these additional resources toward implementing this initiative.

SECTION 1. Chapter NR 749 is created to read:

CHAPTER NR 749

FEES FOR PROVIDING ASSISTANCE; REMEDIATION AND REDEVELOPMENT PROGRAM

NR 749.01 PURPOSE. The purpose of this chapter is to establish fees to offset the department's costs of providing assistance under ch. 292, Stats. The department's authority to impose fees is found in ss. 292.11(7)(d)2., 292.13(3), 292.21(1)(c)1.d., 292.35(13) and 292.55(2), Stats.

NR 749.02 APPLICABILITY. This chapter applies to persons seeking department assistance under ch. 292, Stats., except that those persons seeking department assistance under s. 292.15, Stats., shall comply with ch. NR 750.

NR 749.03 EFFECTIVE DATE. Beginning on the effective date of these rules ... [revisor insert date], persons requesting department assistance under ch. 292, Stats., shall pay the applicable fee listed in Table 1 for all submittals received after February 15, 1999.

NR 749.04 FEES. (1) When a person requests the department to review a document listed in Table 1, the person requesting this assistance shall pay to the department the applicable fees. A person may request that department assistance be provided in either written form or in the form of oral comments. Appropriate fees shall accompany all requests for specific department assistance. Department assistance will not be provided unless the applicable fee accompanies the request for assistance. These fees are not proratable or refundable.

Note: If the NR 700 series rules require that a document be submitted to the department, such as in s. NR 716.09(1), but the person does not specifically request a department review of the document, then a review fee is not required.

Note: The department has prepared a document which provides additional information and guidance for implementing this rule. A copy can be obtained by contacting the Bureau for Remediation and Redevelopment, Public Information Requests, P.O. Box 7921, Madison, WI 53707.

(2) If the department determines that a request for assistance does not contain enough information to render an opinion, or that the request is incomplete or inaccurate in some other manner, the department will notify the applicant of the reasons for this decision.

TABLE 1 - FEE SCHEDULE

Type of Letter or Assistance	Statutory Citation	Fee
Tax Cancellation Agreement	ss. 75.105(2)(d) and 292.55	\$ 500
Negotiated Agreements	s. 292.11(7)(d)2.	1000
Off-site Letters	s. 292.13(3)	500
Lender Assessments	s.292.21(1)(c)1.d.	500
Negotiation and Cost Recovery	s. 292.35(13)	(a)
General Liability Clarification Letters	s. 292.55	500
Lease Letters - Single Properties	s. 292.55	500
Lease Letters - Multiple Properties	s. 292.55	1000
Case Close-out Actions under ch. NR 726 ^(b)	s. 292.55	750
Site Investigation Workplan	s. 292.55	500
Site Investigation Report	s. 292.55	750
Site Specific Soil Cleanup Standards; NR 720.19 Reports	s. 292.55	750
Remedial Action Options Report	s. 292.55	750
Remedial Design Reports	s. 292.55	750
Operation and Maintenance Reports	s. 292.55	300
Construction Documentation Report	s. 292.55	250
Long-term Monitoring Plans	s. 292.55	300
No Further Action Letters under ch. NR 708 ^(c)	s. 292.55	250
Other Technical Assistance	s. 292.55	500

(a) Local governmental units in the negotiation and cost recovery process in s. 292.35, Stats., shall pay fees for each service requested.

(b) All requests for case closure need to be accompanied by the review fee in order to be considered complete.

(c) Immediate actions associated with spill cleanup activities, including department signoff on the spill reporting form, do not require a review fee.

Note: The department will not review Phase I or Phase II Environmental Assessments, unless they are part of the Voluntary Party Liability Exemption process in s. 292.15, Stats., or as part of a lender requesting this review in accordance with s. 292.21(1)(c)1.d., Stats.

The foregoing rules were approved and adopted by the State of Wisconsin Natural Resources Board on October 28, 1998

The rules shall take effect on February 15, 1999.

Dated at Madison, Wisconsin

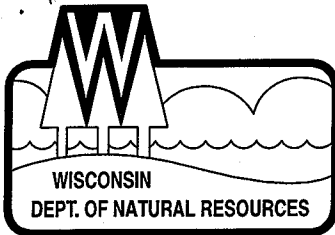
12/18/98

STATE OF WISCONSIN
DEPARTMENT OF NATURAL RESOURCES

By


George E. Meyer, Secretary

(SEAL)



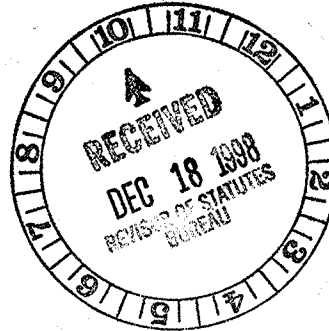
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December 18, 1998

Mr. Gary L. Poulson
Assistant Revisor of Statutes
131 West Wilson Street - Suite 800
Madison, WI



Gary
Dear Mr. Poulson:

Enclosed are two copies, including one certified copy, of State of Wisconsin Natural Resources Board Order No. RR-27-98. These rules were reviewed by the Assembly Committee on Natural Resources and the Senate Committee on Environment and Energy pursuant to s. 227.19, Stats. Summaries of the final regulatory flexibility analysis and comments of the legislative review committees are also enclosed.

You will note that this order takes effect following publication. Kindly publish it in the Administrative Code accordingly.

Sincerely,

George
George E. Meyer
Secretary

Enc.