

Notice of Hearing

The Department of Natural Resources announces that it will hold a public hearing on a permanent rule to revise ch. NR 102, 104 and 219, relating to the revision Wisconsin's recreation water quality criteria for pathogens (specifically bacteria) to protect recreation, and related permit implementation procedures, at the time and place shown below. Previously, two public hearings were held on April 18 and 23, 2019. An additional hearing is scheduled in August because of significant revisions to the rule made since that time.

Hearing Information

Date: August 7, 2019

Time: 2:00 p.m.

Location: WI Department of Natural Resources, 101 S. Webster St., Madison, WI 53707
Room G27A

Rule Information

The goals of this rule package are to adequately protect the public while recreating in and on Wisconsin's waters; revise Wisconsin's bacteria water quality criteria to be consistent with EPA's latest recommendations; and update the permit requirements for sewage treatment works to ensure consistency with EPA's policies. To accomplish these goals, the department proposes to revise the bacteria water quality criteria for recreation in ch. NR 102, Wis. Adm. Code, remove fecal coliform criteria for individual waters from ch. NR 104, Wis. Adm. Code, and revise the permit requirements for publicly owned and privately owned domestic sewage treatment works in ch. NR 210, Wis. Adm. Code. The changes to the rule language since the public hearings in April, 2019 pertain to discharge permit limits for implementation of the rule.

Accessibility

1. Hearing impaired persons may request an interpreter for this hearing. Please make reservations for a hearing interpreter at least 10 days before the date of the scheduled hearing, by writing to e-mail Kristi.Minahan@wisconsin.gov.
2. Alternatively, you may contact the Department of Natural Resources TDD at (608) 267-6897. The hearing facility is accessible to disabled users.
3. Pursuant to the Americans with Disabilities Act, reasonable accommodations, including the provision of information material in an alternative format, will be provided for qualified individuals with disabilities upon request. Please call with specific information on your request at least 10 days before the date of the scheduled hearing.
4. Handicap access is available at the hearing location.

Appearances at the Hearing and Submittal of Written Comments

The public has the opportunity to testify at the hearing. Registration will take place at the hearing by completing a Hearing Appearance form, which will be provided. Comments on the proposed rule must be received on or before August 20, 2019. The Hearing Appearance form also can be used for submitting a written comment at the hearing. Written comments may be submitted by U.S. mail, E-mail, or through the internet and will have the same weight and effect as oral statements presented at the public hearing. Written comments and any questions on the proposed rules should be submitted to:

Department of Natural Resources
Attn: Kristi Minahan – WT/3
P.O. Box 7921
101 S. Webster Street,
Madison, WI 53707-7921

The rule may be viewed at: <https://dnr.wi.gov/news/input/ProposedPermanent.html>

Comments can be made at: DNRAAdministrativeRulesComments@wisconsin.gov

Initial Regulatory Flexibility Analysis:

Privately owned sewage treatment facilities that currently disinfect wastewater are likely to be affected by this rule. There are currently five such facilities that may be affected small businesses, such as mobile home parks or nursing homes. Some facilities may need to increase disinfection to comply with *E. coli* permit limits and/or change lab analysis procedures. The total annual compliance cost for these facilities combined is estimated at \$2,200. This includes an estimated cost of \$1,500 for increasing disinfection, and a cost of \$660 for switching analytical methods from fecal coliform to *E. coli* during the recreation period.

Agency Small Business Regulatory Coordinator:

Daniela Branco (608) 266-7524
DanielaH.Branco@wisconsin.gov

Dated at Madison, Wisconsin _____

STATE OF WISCONSIN

DEPARTMENT OF NATURAL RESOURCES

By _____

Preston D. Cole, Secretary