

Notice Soliciting Comments Regarding an Economic Impact Analysis

Subject: Revision of chapters NR 102, NR 105, NR 106, and NR 219 and other related regulations to add narrative surface water criteria with numeric thresholds and analytical methods for poly- and perfluoroalkyl substances (PFAS) including PFOS and PFOA for the purpose of protecting public health as well as revisions to the procedures in the Wisconsin Pollutant Discharge Elimination System (“WPDES”) permitting program to implement the new water quality criteria.

Notice Date: July 19, 2021

Comment Period: July 19, 2021 – August 18, 2021

The Department of Natural Resources is in the process of preparing an economic impact analysis (EIA) for proposed rules relating to adding surface water quality criteria and analytical methods for poly- and perfluoroalkyl substances (PFAS) including PFOS and PFOA for the purpose of protecting public health as well as revisions to the procedures in the Wisconsin Pollutant Discharge Elimination System (WPDES) permitting program to implement the new water quality criteria, Board Order WY-23-19. A preliminary draft of the EIA and a draft of the board order are available for download as a clickable link by going to the following site: <http://dnr.wi.gov> and searching for the keywords “Administrative Rules.”

If you are not able to access or download the information, please send an email to the following address: DNR105PFASRule@wisconsin.gov.

Pursuant to s. 227.137, Wis. Stats., the department is required to solicit comments on the economic impact of proposed rule WY-23-19 and, if requested, to coordinate with local governments in the preparation of the EIA. Notice is hereby given that the Department of Natural Resources will accept written comments on the EIA until August 18, 2021. Comments may be submitted electronically to: DNR105PFASRule@wisconsin.gov or may be mailed to: Jason Knutson – WY/3, Wisconsin Dept. of Natural Resources, P.O. Box 7921, Madison, WI 53707.

Any local governmental unit that is affected by the rule may also request to coordinate with the department on preparation of the EIA. If a local governmental unit wishes to coordinate with the department on preparation of the EIA, the governmental unit must notify the department of its request to coordinate at the time comments on the EIA are submitted. The department will then contact all local governmental units requesting an opportunity to coordinate and incorporate their comments into the EIA to the extent feasible.

Pursuant to s. 227.137, Wis. Stats., the department must include the information listed below in an EIA. To review all of the information that must be included in an EIA, you may refer to the statutory provisions. When submitting comments, please provide specific information in these areas and include any supporting economic data, studies or reports. Please do NOT submit comments on revisions to the rule language at this time. The department is soliciting information on the following from you and others:

Would you, your business, your association, or your local unit of government be affected in a material economic way by the implementation of these rules relating to adding narrative surface water criteria with numeric thresholds and analytical methods for poly- and perfluoroalkyl substances (PFAS) including PFOS, PFOA, and any other

PFAS for the purpose of protecting public health as well as revisions to the procedures in the Wisconsin Pollutant Discharge Elimination System (WPDES) permitting program to implement the new water quality criteria?

Additionally, the department is seeking comments on the following from people who indicate they will be affected economically:

1. Any implementation or compliance costs that are reasonably expected to be incurred.
2. Actual quantifiable benefits of the proposed rule.
3. Whether the proposed rule would adversely affect in a material way the economy, a sector of the economy, productivity, jobs, or the overall economic competitiveness of the state.
4. Economic impacts of specific alternatives to the proposed rule.
5. Whether the proposed rule will have an economic impact (savings or increased costs) on public utilities or their ratepayers.

If you are a small business as defined in s. 227.114(1), Wis. Stats., please identify yourself as a small business in your comments. Small business means a business entity, including its affiliates, which is independently owned and operated and not dominant in its field, and which employs 25 or fewer full-time employees or which has gross annual sales of less than \$5,000,000.

Please refer to ss. 227.19(3)(e)3. and 4., Wis. Stats., for further information when you are preparing your comments as a small business. Following the public comment period for the EIA, a revised "Fiscal Analysis and Economic Impact Analysis" will be prepared containing relevant information that the department receives. Once the EIA process is completed, the department will submit the rule package and economic impact analysis to the Wisconsin Legislative Council under s. 227.15, Wis. Stats., and hearings on the proposed rule will be held by the department after proper notice in accordance with ss. 227.17 and 227.18, Wis. Stats.

Under s. 227.137(3)(b), Wis. Stats., the department must provide an estimate of the total implementation and compliance costs that are reasonably expected to be incurred by or passed along to businesses, local government units, and individuals, expressed as a single dollar figure. The department must also make a determination as to whether \$10,000,000 or more in implementation or compliance costs are reasonably expected to be incurred by or passed along to businesses, local government units, and individuals over any 2-year period as a result of the proposed rule.

NOTE: Chapter 227 of the statutes may be found at the following web site:
<https://docs.legis.wisconsin.gov/statutes/statutes/227.pdf>.