



Solicitation Notice for Comments Regarding an Economic Impact Analysis

Subject: Natural Resources Board Order WT-13-12

Notice Date: November 4, 2013

End of Comment Period: December 4, 2013

NOTICE IS HEREBY GIVEN THAT pursuant to s. 227.137 (2) Wis. Stats., the Department of Natural Resources, hereinafter referred to as the Department, will prepare an economic impact analysis (EIA) for the proposed administrative rules in draft Board Order WT-13-12 relating to changes to chs. NR 200, 201, 203, and 205, Wis. Adm. Code (referred to as Rule Package 6). The primary purpose of these rule changes is to establish clear regulatory requirements for the processing of WPDES permits, primarily in response to issues raised by the U.S. Environmental Protection Agency, and statutory revision in 2011 Act 167. The EIA must contain information on the economic effect of the proposed administrative rules on specific businesses, business sectors, public utility ratepayers, local governmental units, and the state's economy as a whole.

AVAILABILITY OF PRELIMINARY DRAFT EIA AND BOARD ORDER

Preliminary drafts of the EIA and the Board Order referenced in this notice are available for download as a clickable link at the following web site: <https://health.wisconsin.gov/admrules/public/Rmo?nRmold=13187> or at <http://dnr.wi.gov/news/input/ProposedPermanent.html>. If you are not able to access or download the information, please send an email to the following address: Paul.Luebke@wisconsin.gov. If you do not have internet access, a printed copy of these materials may be obtained free of charge by contacting: Paul Luebke WQ/3, Wisconsin Department of Natural Resources, Bureau of Water Quality, PO Box 7921, Madison, WI 53707-7921, or by calling 608-266-0234.

The Department's tentative determination is that proposed Rule Package 6 will not have an economic impact, and we do not anticipate any entity will be economically affected. The rule changes affect how the Department processes WPDES permits, and not the permit applicants. Consequently, a preliminary EIA hasn't been prepared because the Department believes an EIA isn't applicable.

REQUEST FOR ECONOMIC IMPACT INFORMATION

In order to prepare the EIA, and as required by s. 227.137 (3), Wis. Stats., and 2011 Executive Order #50, the Department is required to solicit comments and advice on the economic impacts of draft Board Order WT-13-12 from business, business sectors, associations representing businesses, local governmental units, and individuals that may be affected by the proposed administrative rules. To review all of the information that must be included in an EIA, refer to s. 227.137 (3), Wis. Stats., which can be found on the following website: <http://docs.legis.wi.gov/doc/feed/statutes/statutes/227/II>.

The Department specifically requests economic information on how you, your business, your association, or your local unit of government may be affected in a material economic way by implementing the proposed administrative rules in draft Board Order WT-13-12. When submitting comments, provide specific information regarding the following areas listed below and include any supporting economic data, studies or reports. Comments on the preliminary EIA and the economic impacts of the draft Board Order received within the comment period specified in this solicitation notice will be considered when preparing the final EIA. **NOTE:** Please do not submit comments suggesting specific changes to the proposed administrative rules in draft Board Order WT-13-12 at this time. Comments on the proposed rules may be submitted during the public hearing process held after the EIA is finalized.

Include available information on the following in your comments and advice on the economic impacts of draft Board Order WT-13-12:

1. A detailed quantification, with supporting assumptions and calculations, of the economic impact of the draft Board Order, including implementation and compliance costs that are reasonably expected to be incurred by you or passed along to other businesses, local governmental units, or individuals.
2. Any actual and quantifiable benefits of the draft Board Order, including an assessment of how effective the proposed administrative rules will be in addressing the policy problem that the rule is intended to address.
3. Whether the draft Board Order 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. Whether the draft Board Order will have an economic impact, through savings or increased costs, on public utilities or their ratepayers.
5. The economic effect of alternatives to the draft Board Order, including the alternative of not promulgating the proposed rule, and a comparison of the economic effect of each alternative to the economic effect of implementing the draft Board Order.

COMMENTER CONTACT INFORMATION

Include the following contact information in your EIA comments submittal:

1. The name, title, mailing address, telephone number, and e-mail address of the person preparing the information.
2. The name of the business, association, or governmental unit represented, if applicable; and the name, title, mailing address, telephone number, and e-mail address of the contact person if different from the contact information in #1.

INSTRUCTIONS TO SMALL BUSINESSES

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. Refer to s. 227.19 (3) (e) 3. and 4., Wis. Stats., for further information when you are preparing your EIA comments as a small business. The Department will prepare a final EIA incorporating relevant information received during the EIA comment period.

COORDINATION WITH LOCAL GOVERNMENTS

Any local governmental unit that is affected by the proposed rule may also request to coordinate with the Department on the preparation of the EIA. The governmental unit must notify the Department of its request to coordinate at the time it submits comments during the EIA comment period. The Department will then contact all local governmental units requesting an opportunity to coordinate and incorporate their comments into the final EIA to the extent feasible.

COMMENT PERIOD AND EIA INFORMATION SUBMITTALS

The Department will accept written comments on the preliminary EIA and the economic impacts of draft Board Order WT-13-12 until December 4, 2013. Comments may be submitted electronically or may be mailed to:

Paul Luebke WQ/3
Wisconsin Department of Natural Resources
Bureau of Water Quality
101 South Webster Street
P.O. Box 7921
Madison, WI 53707-7921
608-266-0234
Paul.Luebke@wisconsin.gov

PREPARATION OF THE EIA

The Department will prepare a revised “Administrative Rules - Fiscal Analysis and Economic Impact Analysis”, form DOA-2049(R03/2012), and include relevant economic impact information it received during the EIA comment period. The Department will submit the proposed rule package, including the final EIA information in DOA form-2049 (R03/2012), to the Wisconsin Legislative Council as required under s. 227.15, Wis. Stats. The Department will issue a written notice of hearing in accordance with ss. 227.17 and 227.18, Wis. Stats., to solicit public comments on the proposed rule and the final EIA after approval from the Natural Resources Board. If the EIA indicates that the proposed rule is reasonably expected to have a total impact of \$10,000,000 or more in implementation and compliance costs, the Department shall submit the rule to the Department of Administration in accordance with s. 227.137 (6), Wis. Stats.

EXECUTIVE ORDER #50

Further information on the process for enacting rules is contained in Executive Order #50 signed by Governor Walker on November 2, 2011 available at:

https://docs.legis.wisconsin.gov/code/executive_orders/2011_scott_walker/2011-50.pdf