

Chapter NR 749

FEES FOR PROVIDING ASSISTANCE; REMEDIATION AND REDEVELOPMENT PROGRAM

- NR 749.01 Purpose
- NR 749.02 Applicability
- NR 749.03 Effective Date
- NR 749.04 Fees

NR 749.05 Alternative Fees for Negotiated Agreements

Note: Chapter NR 749 was created as an emergency rule effective September 19, 1998.

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)~~ in ch. 292, Stats.

History: Cr. Register, January, 1999, No. 517, eff. 2-15-99.

NR 749.02 Applicability. This chapter applies to persons seeking department assistance under ch. 292, Stats., except that most oversight fees for those persons seeking department assistance under s. 292.15, Stats., shall ~~comply~~ be paid in accordance with ch. NR 750. As listed in Table 1, D. of s. NR 749.04, portions of this chapter apply to those persons seeking assistance under s. 292.15, Stats., and who are seeking closure with residual contamination that must be added to the department's database as required in s. 292.12(2) and (3) or s. 292.57, Stats.

History: Cr. Register, January, 1999, No. 517, eff. 2-15-99.

NR 749.03 Effective date. Beginning on February 15, 1999, 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.

History: Cr. Register, January, 1999, No. 517, eff. 2-15-99.

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~~ Additional information and guidance for implementing this rule including how to make a payment when a review is requested can be found at: http://dnr.wi.gov/org/aw/rr/Services_Fees/index.htm. ~~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.

History: Cr. Register, January, 1999, No. 517, eff. 2-15-99; **CR01-129: am. Table 1, Register July 2002 No. 559, eff. 8-1-02.**

TABLE 1 – FEE SCHEDULE Table 1 is repealed and re-created as follows:

<u>Type of Letter or Assistance</u>	<u>Statutory Citation</u>	<u>Fee</u>
<u>A. AGREEMENTS:</u>		
<u>1. Tax Assignment Agreement</u>	<u>ss. 75.106 (2) (d) and 292.55</u>	<u>\$700</u>

<u>2. Tax Cancellation Agreement</u>	<u>ss. 75.105 (2) (d) and 292.55</u>	<u>700</u>
<u>3. Negotiated Agreements^a</u>	<u>s. 292.11 (7) (d) 2.</u>	<u>1400</u>
<u>4. Enforcement Actions^a</u>	<u>s. 292.94 (d)</u>	
<u>5. Negotiation and Cost Recovery^a</u>	<u>s. 292.35 (13) (a)</u>	

^a Persons subject to or entered into such orders, agreements or processes shall pay fees for each service requested or required by the department.

Note: For Negotiated Agreements, the \$1400 fee is for department time associated with reviewing the document. If the Negotiated Agreement identifies other reports or activities that require department review, there would be a separate review fee for each specified.

B. LIABILITY CLARIFICATION LETTERS:

<u>1. Off-site Exemption Letters</u>	<u>s. 292.13 (3)</u>	<u>700</u>
<u>2. Lease Letters – Single Properties</u>	<u>s. 292.55</u>	<u>700</u>
<u>3. Lease Letters – Multiple Properties</u>	<u>s. 292.55</u>	<u>1400</u>
<u>4. General Liability Clarification Letters</u>	<u>s. 292.55</u>	<u>700</u>
<u>5. Lender Assessments</u>	<u>s. 292.21 (1) (c) 1. d.</u>	<u>700</u>

C. TECHNICAL ASSISTANCE:

<u>1. NR 708 No Further Action Letters^b</u>	<u>s. 292.55</u>	<u>350</u>
<u>2. NR 716 No Further Investigation</u>	<u>s. 292.55</u>	<u>700</u>
<u>3. NR 716 Site Investigation Work Plan</u>	<u>s. 292.55</u>	<u>700</u>
<u>4. NR 716 Site Investigation Report</u>	<u>s. 292.55</u>	<u>1050</u>
<u>5. NR 720 Soil Cleanup Standards/Reports</u>	<u>s. 292.55</u>	<u>1050</u>
<u>6. NR 722 Remedial Action Options Report</u>	<u>s. 292.55</u>	<u>1050</u>
<u>7. NR 724 Remedial Design Reports</u>	<u>s. 292.55</u>	<u>1050</u>
<u>8. NR 724 Operation and Maintenance Reports</u>	<u>s. 292.55</u>	<u>425</u>
<u>9. NR 724 Construction Documentation Report</u>	<u>s. 292.55</u>	<u>350</u>
<u>10. NR 724 Long-term Monitoring Plans</u>	<u>s. 292.55</u>	<u>425</u>
<u>11. NR 726 Case Closure Action</u>	<u>s. 292.55</u>	<u>1050</u>
<u>12. NR 506 Exemption for Building on a historic waste site</u>	<u>s. 292.55</u>	<u>700</u>
<u>13. Other Technical Assistance</u>	<u>s. 292.55</u>	<u>700</u>

^b Immediate actions associated with emergency spill cleanup activities, including department signoff on the Notification for Hazardous Substance Discharge form, do not require a review fee.

D. DEPARTMENT DATABASE FEES: ss. 292.12 and 292.57

An administrative processing fee shall be submitted for all sites, regardless of agency jurisdiction, for entry on, or modification or removal from the department's database.

<u>1. Sites with groundwater contamination that attains or exceeds ch. NR 140 Enforcement Standards</u>	<u>350</u>
<u>2. Sites with soil contamination that attains or exceeds ch. NR 720 RCLs</u>	<u>300</u>
<u>3. Sites not otherwise addressed above, where the department imposes any other limitation or condition in accordance with 292.12 (2)</u>	<u>350</u>

Note: This may include, but is not limited to sites where a vapor mitigation system is required as a condition of closure.

<u>4. Cases submitted for closure with monitoring wells not properly abandoned, without residual groundwater contamination</u>	<u>350</u>
<u>5. Modification or removal of a site or property from the database</u>	<u>1050</u>

Note: This fee applies each time a request is made for modification or removal of a site from the database.

Note: In accordance with s. 292.12 (3) and 292.57, responsible parties or local governments shall pay the appropriate fees to list, modify or remove sites with residual contamination on the department's database. This database includes sites with residual contamination and where the department has approved case closure under ch. NR 726 or a Certificate of Completion under s. 292.15, sites where the department requires listing on the database as a condition of approving a remedial action, or sites where the department requires a local government to take action under s. 292.11(9) (e) 4., and listing the site on the database is necessary due to residual contamination. More than one of these fees may apply to a site.

NR 749.05 Alternative fees for negotiated agreements. As part of a negotiated agreement, responsible parties may agree to pay the department an hourly fee for project oversight as determined by the provisions set forth in ch. NR 750.