

**Technical Focus Group Meeting Minutes
Remediation and Redevelopment Program
December 15, 2011**

Introduction

The twelfth joint meeting of the Technical Focus Group/Brownfield's Study Group was held to continue discussions on proposed revisions to the NR 700 rule series. The purpose of this meeting was to discuss the draft Economic Impact Analysis that the Department prepared based on recommendations received at the October 2011 meeting. Below is a brief summary of the meeting.

General Areas of Discussion

The meeting began with the DNR explaining that the Department of Administration (DOA) has developed a form that includes the topics that need to be addressed when developing an Economic Analysis. DNR utilized the form in preparing the draft that was distributed for review. The analysis primarily addresses potential impacts from proposed NR 749 fee increases. DNR also mentioned that cost impacts based on new rule language for vapor intrusion was not included since the current rule requires the pathway to be assessed and then adequately addressed, if necessary.

Several comments were made indicating that there are other parts of the rule that result in reduced costs. After discussion, it was thought that trying to quantify the reduction may be difficult and upon reflection, most members felt that undertaking such an effort would not be worthwhile.

Members present generally were comfortable with the draft language in the Economic Analysis but suggested that further discussion may be warranted regarding Vapor Intrusion. They felt that including an explanation in the Analysis on why the new rule language does not result in increase costs would be helpful.

The proposed fee increase was briefly discussed and the Department mentioned that there may be some concern with proceeding with the current rule language. Several members asked if formal support from the committee would help. The Department stated that Committee members would be notified if there were potential issues.

Rule Schedule/New Rulemaking Process

At the end of the discussions on the draft Economic Impact Analysis, the changes in the rulemaking process as a result of Act 21 were briefly summarized. The Department indicated that the Economic Analysis must be drafted with input from affected stakeholders, made available for review, and then sent to the Legislative Council, DOA, the Governor's Office and the Chief Clerk of each house of the legislature before hearings could be scheduled.

The Department stated that because this process is new, it is difficult to determine when the hearings could be scheduled, but that we were currently estimating they would not take place until September. The new process was discussed further and the Department indicated that it was projected the rule would not become effective until September of 2013.

Summary

The members present were supportive of moving forward with the rulemaking process. The Department agreed to check with upper management at DNR to discuss the merits of adding language to the draft Economic Impact Analysis that explains why the new provisions related to vapor intrusion do not add costs to on-going cleanups.