

Notice of Hearing

Notice date: March 27, 2023

The Department of Natural Resources announces that it will hold a public hearing on a permanent rule to revise chs. NR 102, 103, 106, 207, 212 and 216, relating to Wisconsin's water quality antidegradation policy and procedures (Board Order WY-13-20), at the time and place shown below.

Hearing Information

Date: May 12, 2023

Time: 1:00 p.m.

Location: Department of Natural Resources, 101 S. Webster St, Madison, WI 53703, Room G27A

Virtual Location Link:

- Join Zoom Meeting: [https://us02web.zoom.us/meeting/register/tZYudOCqzsrGNZ-W5Y9AIha4GqATfqGUHSZ](https://us02web.zoom.us/join/https://us02web.zoom.us/meeting/register/tZYudOCqzsrGNZ-W5Y9AIha4GqATfqGUHSZ)
- Join by telephone: 888-475-4499
- Meeting ID: 823 3905 0122

Rule Information

The proposed rule updates the state's water quality antidegradation policy and procedures to ensure consistency with federal requirements and overall modernization. It updates the process for assessing potential degradation of surface water quality associated with proposed new or increased wastewater discharges to high quality waters. The process, called "antidegradation review," would take place during the facility's planning stage or its Wisconsin Pollutant Discharge Elimination System permitting stage. It would require applicants proposing a surface water discharge that would significantly lower water quality to demonstrate that the discharge is socially or economically important, conduct an alternatives analysis, and select a treatment option that will lessen degradation to the extent practicable. The proposed antidegradation process is similar to the process already in place but updates the policy and implementation procedures to reflect federal requirements enacted in 2015. Based on the department's assessment, a small number of applicants are expected to be affected by the proposed revisions to this rule each year.

Accessibility

For the hearing or visually impaired, non-English speakers, or those with other personal circumstances which might make communication at the meeting/hearing difficult, DNR will, to the maximum extent possible and with reasonable advance notice, provide aids including an interpreter, or a non-English, large-print, or recorded version of hearing documents. To access

these resources, please contact the email address or phone number listed below as soon as possible.

Appearances at the Hearing and Submittal of Written Comments

The public has the opportunity to testify at the hearing. Pre-registration is strongly encouraged if you plan to provide spoken comments during the hearing. To pre-register, either use the Zoom link above prior to the day of the hearing or download and complete the fillable [hearing appearance form](#) and send it to Kristi.Minahan@wisconsin.gov.

Comments on the proposed rule must be received on or before May 19, 2023. 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:

Kristi Minahan at Kristi.Minahan@wisconsin.gov (preferred)
or
Department of Natural Resources
Attn: Kristi Minahan – WY/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

The rule may be reviewed, and comments made at:
<http://docs.legis.wisconsin.gov/code/chr/hearings>.

Initial Regulatory Flexibility Analysis

The maximum annual cost is estimated to be \$1,652,484; the maximum 2-year cost is estimated to be \$2,484,384. The total estimated 10-year cost is estimated to be \$12,302,320. The department conservatively assumes that all affected industrial facilities (both wastewater permittees and stormwater permittees) may be small businesses due to the anticipated low number of economically affected industrial facilities statewide. The rule only establishes requirements for submittal of application materials for WPDES permits and does not address compliance or reporting requirements. However, the rule does contain considerations to reduce costs and requirements for smaller projects by stating that both the water quality data collected and the information required in the facility's alternatives analysis will be "relative to the size of the project, characteristics of the proposed discharge, and the characteristics of the receiving water."

Agency Small Business Regulatory Coordinator:

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