



August 28, 2024

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ELECTRONICALLY SUBMITTED

Re: Wisconsin Cast Metals Association Comments of NR 410 Proposed Rule Revisions

Dear Mr. Binzley:

Attached please find the Wisconsin Cast Metals Association (WCMA) comments on the draft NR 410 proposed rule provided June 2024.

WCMA appreciates the opportunity for a representative from the Wisconsin metalcasting industry to participate on the advisory committee for the rule revision process. Ultimately, WCMA looks forward to a finalized rule which allows the WDNR (Department) to efficiently review and issue construction permits allowing metalcasters to quickly react to business opportunities and market changes. Achieving this at a reasonable cost is important to the metalcasting industry as a significant portion of the industry is comprised of small businesses with fewer than 100 employees. The Department's decision to phase in the increased fee schedule will provide some interim assistance for these metalcasters.

Comments follow:

1. For some organizations, a permit application's turnaround time may represent the highest priority. If permitting delays are experienced, businesses are unable to be nimble and compete with competitors who operate in a more efficient permitting environment. Despite the proposed fee adjustments, WDNR suggests that staffing will be constrained in the near term and permitting delays may be experienced. This poses a significant area of concern for WCMA membership.

NR 410 revisions should facilitate the means to maintain or improve upon the service levels historically seen from the Department. WCMA membership (some of which can compare regulatory reviews in state jurisdictions outside Wisconsin) can cite past circumstances in which the Department has admirably provided flexibility and assistance in the timely processing of permit applications. Maintaining and improving



this level of service in both the short and long term must remain a focus of the rule revisions.

2. As a primary aid to ensure the air permitting program's viability, it is requested that the Department develop a permit streamlining working group comprised of the appropriate stakeholders. This working group may perhaps be identified by the Rule itself, allowing an initial effort to be launched, and annually thereafter.

While the Department has indicated that some streamlining activities have been reviewed and/or implemented, these efforts should be pursued as a continual improvement process to achieve the greatest benefit. The working group would provide a platform to provide feedback and brainstorm strategies to reduce costs and/or expedite permit issuance.

Examples of strategies to be considered for review may include:

- Elective application templates to expedite permit review.
- Elective development of the draft Preliminary Determination and draft permit by the permittee for Department review, editing, and use.
- Outsourcing of review work to outside consultants for time sensitive projects.
- Review of existing policy on when permit modeling is required, and formalization of the exchange and format of model input files between the applicant and the Department.
- Review of policies which result in potentially unnecessary additional permit application submittals. As an example, a request to alter a permit condition in an expired construction permit may result in another construction permit to make the change in lieu of an operation permit revision or renewal.

It is encouraging that the Department is committing to developing a report on streamlining the activities that are supported by construction permit fees (Section 58 of the draft rule, NR 410.03(6)(b)). The draft rule indicates that the Department will publish a report "by September 30, 2026... describing the actions the department intends to undertake." However, the department should begin to undertake streamlining work as soon as possible, to proactively address the current and projected shortfalls of funding and staff. Furthermore, the Department projects in its analysis of the draft rule that it "is unlikely to realize the full fiscal benefit of these fee revisions until the 2030s" due to a "near-term shortage of permit staff." This seems to suggest that the businesses that must pay construction permit fees, and



that need these permits to conduct their operations and remain competitive with facilities in other states, also may not realize the purported benefits of increased fees for years to come. Any improvements to the permitting process would immediately help to relieve pressure on both the Department and the regulated community by reducing staffing needs and improving permit turnaround times.

On behalf of the Wisconsin Cast Metals Association, we appreciate the opportunity to provide these written comments on the proposed NR 410 rule changes. WCMA would be happy to discuss these comments and provide any additional clarifications that may be needed. If you have any questions or would like additional information regarding these comments, please feel free to contact me at [bryant.esch@waupacafoundry.com](mailto:bryant.esch@waupacafoundry.com).

Sincerely,

*Bryant Esch*

President, Wisconsin Cast Metals Association