

Notice of Hearing

The Department of Natural Resources announces that it will hold a public hearing on an emergency rule, EmR2045, to create chapter NR 159 related to the regulation of fire fighting foam that contains PFAS, at the time and virtual location shown below.

Hearing Information

Date: January 15, 2021

Time: 1:00 p.m.

Virtual Location Link: <https://zoom.us/j/91412467118>

Dial In: 1-312-626-6799

Meeting ID: 914 1246 7118

Rule Information

The rule creates ch. NR 159 to implement the legislature's directive to the department to promulgate rules that implement and administer s. 299.48, Wis. Stats. 2019 Wisconsin Act 101, codified in s. 299.48, Wis. Stats., prohibits the use of Class B and dual action Class A and B firefighting foams that contain intentionally added poly- and per-fluoroalkyl substances (PFAS) as of September 1, 2020, except when used as part of an emergency firefighting or fire prevention operation, or when used for testing purposes at a testing facility that has implemented appropriate containment, treatment and disposal or storage measures to prevent discharges of the foam to the environment, and does not flush, drain or otherwise discharge the foam into a storm or sanitary sewer. The rule contains requirements for appropriate containment, treatment and disposal or storage of foam used for testing purposes.

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. Registration will take place at the hearing by completing a Hearing Appearance form, which is available [here](#). Pre-registration is strongly encouraged if you plan to provide spoken comments during the hearing. To pre-register, please download and complete the fillable [Hearing Appearance form](#) and send it to KathrynM.StromHiorns@wisconsin.gov.

Comments on the proposed rule must be received on or before January 22, 2021. 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: (e-mail preferred)**

Department of Natural Resources
Attn: Kate Strom Hiorns – WA/5
P.O. Box 7921
101 S. Webster Street,
Madison, WI 53707-7921
KathrynM.StromHiorns@wisconsin.gov

The rule may be viewed at: <https://dnr.wisconsin.gov/news/input/ProposedEmergency.html>

Comments can also be made at: DNRAAdministrativeRulesComments@wisconsin.gov

Initial Regulatory Flexibility Analysis

The estimated economic impact of this rule on small businesses is \$2,331,200 per year with expected annual decreases as Class B firefighting foams that contain intentionally added PFAS are replaced in current applications with alternative fire suppression products.

Estimated costs for management, containment and proper disposal of firefighting foams with intentionally added PFAS are anticipated to be less than the cost to clean and remediate uncontrolled discharges to the environment and subsequent remediation. This rule does not prohibit the manufacture, sale, or distribution of Class B firefighting foam that contains intentionally added PFAS.

Agency Small Business Regulatory Coordinator:

Emma Esch, (608) 266-1959
emma.esch@wisconsin.gov

Dated at Madison, Wisconsin _____

STATE OF WISCONSIN

DEPARTMENT OF NATURAL RESOURCES

By _____

Preston D. Cole, Secretary