

Notice of Preliminary Hearing on Statement of Scope

The Department of Natural Resources announces that it will hold a preliminary public hearing on Statement of Scope SS 058-24 which affects ch. NR 500 and 520, to provide an alternative method for a municipality to establish proof of financial responsibility required for a solid waste disposal facility, at the virtual time and place shown below.

Hearing Information

Date: July 08, 2024

Time: 2:00 PM (CST)

Virtual Location Link: Virtual Zoom Meeting - <https://us02web.zoom.us/j/86881519564>

Rule Information

The department is directed to develop emergency and permanent rules under 2023 Wisconsin Act 107 (Act 107), effective March 14, 2024, to implement the Act's requirements to establish an alternative method of establishing owner financial responsibility (OFR) at municipally owned solid waste disposal facilities.

Act 107 seeks to level the playing field for all solid waste disposal facilities by allowing municipalities the option of using a net worth test as a mechanism to satisfy OFR for Long-Term Care, Closure and Corrective Action. Prior to Act 107, only privately owned facilities were afforded the option for a net worth test through s. 289.41(5), Stats. Municipalities were only authorized to establish OFR through a "Standard Mechanism" (a bond, a deposit, an established escrow account, an irrevocable letter of credit, an irrevocable trust, or a financial commitment satisfactory to the department).

Act 107 directs the department to use the federal framework and its "local government financial test" under 40 CFR 258.74(f). As such, the proposed rule will, at a minimum, meet the federal requirements of a local government financial test, including processes of financial requirement, public notice, and recordkeeping. The emergency and permanent rules providing the OFR method may use existing state statutes, administrative code and federal code to define the parameters for an acceptable alternative method for financial responsibility.

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. To join via Zoom, please register or pre-register using the link above, which will prompt you to enter information required on the Hearing Appearance form. Pre-registration is strongly encouraged if you plan to provide spoken comments during the hearing. For those who plan to phone in, please download and complete the fillable [Hearing Appearance form](#) and send it to Michael.schmit@wisconsin.gov.

Comments on the proposed scope statement must be received on or before July 08, 2024. 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 scope statement should be submitted to:

Department of Natural Resources
Attn: Michael Schmit WA/5
P.O. Box 7921
101 S. Webster Street,
Madison, WI 53707-7921

The scope statement may be viewed at:

<https://dnr.wisconsin.gov/news/input/ProposedPermanent.html>

Comments can be made at: DNRAAdministrativeRulesComments@wisconsin.gov

The scope statement may also be reviewed, and comments made at:

https://docs.legis.wisconsin.gov/code/scope_statements/comment