

## Notice of Hearing

The Department of Natural Resources announces that it will hold a public hearing on:

- WY-26-20(E) – An emergency rule affecting chs. NR 114, 146 and 524 related to allowing for third party administration of operator certification, well driller or pump installer license, and landfill operator examinations.
- WY-27-20 – A permanent rule affecting chs. NR 114, 146, 520 and 524 related to allowing for third party administration of operator certification, well driller or pump installer license, and landfill operator examinations.

In accordance with s. 227.17, Wis. Stats., the DNR is seeking public comment and feedback on WY-26-20(E) and WY-27-20 at the time and virtual location shown below.

### Hearing Information

Date: October 12, 2021

Time: 2:00 p.m.

Virtual Location Link:

- Register in advance for this meeting:  
[https://us02web.zoom.us/meeting/register/tZwsfuiogTsqHtUjXPsatRD9vlq\\_gdI8YaSx](https://us02web.zoom.us/meeting/register/tZwsfuiogTsqHtUjXPsatRD9vlq_gdI8YaSx)
- Meeting URL: <https://us02web.zoom.us/j/88191070041>
- Join by telephone: US: [+13017158592](tel:+13017158592) or [+13126266799](tel:+13126266799)
- Meeting ID: 881 9107 0041

### Rule Information

The proposed rule revisions update the examination requirements found in chs. NR 114, 146, 520 and 524, Wis. Adm. Code, to allow for third party administration of online examinations. Sections NR 114.05(2), 114.19(2), 114.33(3), and 114.54(2), Wis. Adm. Code, all currently state that the department shall administer in-person examinations for activities related to waterworks, septage servicing operators, water systems, wastewater treatment plants, and at least twice annually at multiple locations throughout Wisconsin. Chapter NR 146, Wis. Adm. Code, which is dedicated to water well drillers, pump installer licensing and registration, and heat exchange drillers requires these professionals to pass an exam administered by the department (ss. NR 146.04(2)(i), (3)(c), and (9)(b), Wis. Adm. Code). Section NR 524.08(3), Wis. Adm. Code, requires landfill operators to pass an exam administered by the department. Section NR 520.04(6) specifies the fees for written exams taken by landfill facility managers and site operators. The proposed administrative code provisions allow for a third-party organization to provide online exams to meet the needs of all these professions.

### 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 register and join the hearing online or by phone, use the information provided above. Pre-registration is also available and is strongly encouraged if you plan to provide spoken comments during the hearing. To pre-register, either use the Zoom link above or download and complete the fillable [Hearing Appearance form](#) and send it to [Steven.Geis@wisconsin.gov](mailto:Steven.Geis@wisconsin.gov).

Comments on the proposed rule must be received on or before October 15<sup>th</sup>, 2021 at 5:00 p.m. 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:**

Department of Natural Resources

Attn: Steve Geis – EAS/7

P.O. Box 7921

101 S. Webster Street,

Madison, WI 53707-7921

[Steven.Geis@wisconsin.gov](mailto:Steven.Geis@wisconsin.gov) or [DNRAdministrativeRulesComments@wisconsin.gov](mailto:DNRAdministrativeRulesComments@wisconsin.gov)

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

### **Initial Regulatory Flexibility Analysis**

Septage Servicing Businesses – an average of 150 operators take exams annually. The cumulative maximum annual cost increase for this business sector will be approximately \$10,500 (150 exams X \$70/one-hour exam session).

Well Drillers, Pump Installers, Heat Exchange Drillers – an average of 140 individuals take this exam annually. The cumulative maximum annual cost increase for this business sector will be approximately \$12,600 (140 exams X \$90/three-hour exam session).

Landfills and Incinerators – an average of 20 new operators take this exam annually. The cumulative maximum annual cost increase for this business sector will be approximately \$1,400 (20 exams X \$70/one-hour exam session).

The total maximum small business impact is estimated to be \$24,500 annually.

### **Agency Small Business Regulatory Coordinator**

Emma Esch (608) 266-1959

[Emma.Esch@wisconsin.gov](mailto:Emma.Esch@wisconsin.gov)