

## Notice of Hearing

The Department of Natural Resources (the department) announces that it will hold a public hearing on a permanent rule relating to revisions to fees for reviewing air pollution control construction permit applications and exemption determination requests under ch. NR 410, Wis. Adm. Code, at the time and place shown below.

The public hearing also concerns a proposed revision of Wisconsin's State Implementation Plan (SIP) developed under s. 285.11(6), Stats. Final rules affecting ch. NR 410, Wis. Adm. Code, promulgated under this rulemaking will be submitted to the United States Environmental Protection Agency (EPA) for approval and incorporation into Wisconsin's SIP.

This public hearing notice and request for comments satisfies requirements in ch. 227, Stats., for rulemaking and 40 CFR Part 51.102 for submittal of the final rules to EPA as a revision to Wisconsin's SIP.

### Hearing Information

Date: August 29, 2024

Time: 10:00 AM Central Time – End of agenda

Public Hearing Location:

Department of Natural Resources  
Room G09  
101 South Webster Street  
Madison, WI 53707

Virtual Location:

- Online via Zoom: <https://us02web.zoom.us/j/82527288182>
- Call in: 1-646-931-3860
- Meeting ID: 825 2728 8182

### Rule Information

The department operates a new source review (NSR) construction permit program that applies to the construction, reconstruction, replacement, relocation, or modification of stationary sources that emit air contaminants. In most cases where a construction permit is required, a facility cannot construct or modify a source of air pollution before the construction permit is issued. Since economic development relies on industry's ability to quickly react to business opportunities and market changes, the department has long prioritized the timely issuance of construction permits.

For the past several years, the construction permit program has experienced a significant deficit between its revenues and the spending levels needed to operate the program. In response to this

deficit, the department has implemented all available efficiencies to decrease the construction permit program's expenses without sacrificing services critical to permitted customers. However, increases in construction permit fees are necessary to ensure adequate revenue to meet critical needs and fund the program in a sustainable manner. To achieve this objective, the proposed rule would increase existing construction permit fees, create several new fees, and add a provision to adjust fees every four years to reflect any general wage adjustments included in approved state compensation plans, thus ensuring that the department can respond to economic development needs in a timely fashion into the future.

Over time, the department projects that the increase in revenue from the revised fee structure would allow the department to hire additional permit writers. This additional capacity will ensure the program can take timely action on customer permit requests.

### **Accessibility**

For the hearing or visually impaired, non-English speakers, or those with other personal circumstances which might make communication at the hearing difficult, the department 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 [Ronald.Binzley@wisconsin.gov](mailto:Ronald.Binzley@wisconsin.gov).

Comments on the proposed rule must be received on or before September 4, 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 rules should be submitted to:

Department of Natural Resources  
Attn: Ron Binzley – AM/7  
P.O. Box 7921  
101 S. Webster Street  
Madison, WI 53707-7921  
[Ronald.Binzley@wisconsin.gov](mailto:Ronald.Binzley@wisconsin.gov)

The rule may be viewed at: <https://dnr.wisconsin.gov/news/input/ProposedPermanent> under Board Order AM-10-23.

Comments can also be submitted to: [DNRAAdministrativeRulesComments@wisconsin.gov](mailto:DNRAAdministrativeRulesComments@wisconsin.gov).

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

### **Initial Regulatory Flexibility Analysis**

After reviewing NSR construction permit program work activities from previous years, the department projects that six construction permits, one construction permit revision, and four construction permit exemptions will be issued to small businesses on an annual basis.

Because many small businesses emit low amounts of pollutants, they are often able to qualify for coverage under a registration permit in lieu of needing to obtain a minor construction permit. A facility covered under a registration permit is exempt from construction permitting. No changes are proposed that would either affect small business eligibility for coverage under registration permits or that would impose a fee for issuance of coverage.

Many projects at small businesses may qualify for exemptions from construction permitting. Most exemptions do not have associated fees unless a facility chooses to request an exemption determination from the department. For the specific exemptions that do require a determination or when a facility chooses to request an exemption determination from the department for a project, the fee would increase under the proposed rule.

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

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