

## ADMINISTRATIVE RULES Fiscal Estimate & Economic Impact Analysis

<p>1. Type of Estimate and Analysis <input checked="" type="checkbox"/> Original   <input type="checkbox"/> Updated   <input type="checkbox"/> Corrected</p>	<p>2. Date January 23, 2024</p>
<p>3. Administrative Rule Chapter, Title and Number (and Clearinghouse Number if applicable) Chs. NR 600-679 – Environmental Protection – Hazardous Waste Management</p>	
<p>4. Subject Revisions to chs. NR 660 to 679 related to technical corrections of state hazardous waste regulations. WA-14-21</p>	
<p>5. Fund Sources Affected <input type="checkbox"/> GPR   <input type="checkbox"/> FED   <input type="checkbox"/> PRO   <input type="checkbox"/> PRS   <input type="checkbox"/> SEG   <input type="checkbox"/> SEG-S</p>	<p>6. Chapter 20, Stats. Appropriations Affected NA</p>
<p>7. Fiscal Effect of Implementing the Rule <input checked="" type="checkbox"/> No Fiscal Effect   <input type="checkbox"/> Increase Existing Revenues   <input type="checkbox"/> Increase Costs   <input type="checkbox"/> Decrease Costs <input type="checkbox"/> Indeterminate   <input type="checkbox"/> Decrease Existing Revenues   <input type="checkbox"/> Could Absorb Within Agency's Budget</p>	
<p>8. The Rule Will Impact the Following (Check All That Apply) <input type="checkbox"/> State's Economy   <input checked="" type="checkbox"/> Specific Businesses/Sectors <input checked="" type="checkbox"/> Local Government Units   <input type="checkbox"/> Public Utility Rate Payers <input checked="" type="checkbox"/> Small Businesses (if checked, complete Attachment A)</p>	
<p>9. Estimate of Implementation and Compliance to Businesses, Local Governmental Units and Individuals, per s. 227.137(3)(b)(1). \$0. There will be little to no economic effect. The proposed hazardous waste management regulations are technical corrections and clarifications to existing rules. No new requirements are proposed. The proposed rules will maintain consistency with federal rules and ensure Resource Conservation and Recovery Act (RCRA) program authorization through the U.S. Environmental Protection Agency (EPA).</p>	
<p>10. Would Implementation and Compliance Costs Businesses, Local Governmental Units and Individuals Be \$10 Million or more Over Any 2-year Period, per s. 227.137(3)(b)(2)? <input type="checkbox"/> Yes   <input checked="" type="checkbox"/> No</p>	
<p>11. Policy Problem Addressed by the Rule The rule will correct errors and align Wisconsin code with federal language. The technical corrections include clarifications without changing the intent of Wisconsin code. The state technical corrections are not more stringent than federal regulation and consist of missing words and text in the code, typos and spelling misprints, and citation errors. Technical corrections would impact chs. NR 600 to 679, Wis. Adm. Code. EPA is also in the process of making technical corrections to their analogous hazardous waste rules, which may be reflected in these proposed changes.</p>	
<p>12. Summary of the Businesses, Business Sectors, Associations Representing Business, Local Governmental Units, and Individuals that may be Affected by the Proposed Rule that were Contacted for Comments. The adoption of the technical corrections and clarifications of chs. NR 600 to 679, Wis. Adm. Code could, in principle, affect all regulated classes of generators; transfer, storage and disposal facilities; and universal waste and used oil as defined below, although the extent of the impacts are expected to be negligible:</p> <ul style="list-style-type: none"><li>• Hazardous waste generators as defined in s. NR 660.10(50), Wis. Adm. Code, which include large quantity, small quantity and very small quantity generators.</li><li>• Household hazardous wastes and very small quantity generator collection facilities as defined in ss. NR 666.900 and 666.901, Wis. Adm. Code.</li><li>• Universal waste handlers as defined in ss. NR 660.10(134) and 673.09(12), Wis. Adm. Code, which include commercial and municipal entities which transport, handle or manage universal waste.</li><li>• The management of used oil as defined in ss. NR 660.10(138) and 679.01(12), Wis. Adm. Code, which include commercial and municipal entities which generate, transport, handle or manage used oil.</li><li>• Disposal facilities as defined in s. NR 660.10(27), Wis. Adm. Code, which include hazardous waste treatment,</li></ul>	

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storage and disposal facilities.

General categories are grouped in the following North American Industry Classification System (NAICS) codes:

- Hazardous waste treatment and disposal (NAICS 562211)
- Hazardous waste collection (NAICS 562112)
- Solid waste landfills (NAICS 562212)
- Other Nonhazardous Waste Treatment and Disposal (562219)
- All Other Miscellaneous Waste Management Services (562998)

These entities were broadly solicited for comment during the preliminary public hearing held on October 6, 2022. They will be contacted for comments during the EIA comment solicitation period.

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13. Identify the Local Governmental Units that Participated in the Development of this EIA.

Local government units will be given the opportunity to participate in the development of the EIA during the EIA comment solicitation period.

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14. Summary of Rule's Economic and Fiscal Impact on Specific Businesses, Business Sectors, Public Utility Rate Payers, Local Governmental Units and the State's Economy as a Whole (Include Implementation and Compliance Costs Expected to be Incurred)

The economic impact is expected to be minimal (less than \$50,000). Most of the corrections are minor in nature and should not result in significant changes to current practices.

#### **Specific Businesses and Business Sector (Private Businesses)**

The adoption of the technical corrections and clarifications could, in principle, affect all regulated classes of generators; transfer, storage and disposal facilities; and universal waste and used oil managers. Actual impacts are anticipated to be minimal or non-existent.

#### **Impacts on Public Utility Rate Payers**

Public utility rate payers would not be impacted by the rule changes.

#### **Impacts on Local Governmental Units**

Impacts on local governments would be minimal and will have little to no effect on municipalities since the changes are corrections and clarifications and not changes in requirements.

#### **Fiscal Impact and Impact on State Economy**

No fiscal impact or impact on state economy is expected.

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15. Benefits of Implementing the Rule and Alternative(s) to Implementing the Rule

The rule will correct errors and align Wisconsin code with federal language. The alternative to the proposed updates and corrections would be to not make any corrections or clarifications to the rule, or to make only selected changes. This would risk creating inconsistencies with the federal hazardous waste regulations.

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16. Long Range Implications of Implementing the Rule

Proposed rule corrections will clarify requirements for entities affected by hazardous waste regulations. This will help to ensure hazardous waste is properly managed. Aligning Wisconsin code to federal language will help ensure regulations

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are followed uniformly and will alleviate confusion for regulated entities.

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17. Compare With Approaches Being Used by Federal Government

The proposed changes will make Wisconsin rules consistent with federal rules. Provisions are equivalent to existing rules. The changes will assist with Wisconsin's program authorization.

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18. Compare With Approaches Being Used by Neighboring States (Illinois, Iowa, Michigan and Minnesota)

Many of the technical corrections were promulgated federally in 2006 and are listed in EPA Checklist 214 (71 FR 40254). Iowa is not authorized to implement a hazardous waste program, and as a result they are not required to adopt these changes. Illinois and Michigan have adopted these corrections into rule. Michigan has been authorized by the EPA to enforce the requirements and Illinois is not authorized for Checklist 214 (71 FR 40254). Minnesota has not adopted the technical corrections in this checklist. The Board Order Analysis contains a detailed comparison between states. The remaining corrections and clarifications are errors found in federal code and/or in Wisconsin code.

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19. Contact Name

Cathy Baerwald

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20. Contact Phone Number

(414) 333-6805

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### ATTACHMENT A

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1. Summary of Rule's Economic and Fiscal Impact on Small Businesses (Separately for each Small Business Sector, Include Implementation and Compliance Costs Expected to be Incurred)

The proposed rule will have little to no impact for small businesses. The rules will be correcting spelling and grammatical errors and clarifying existing regulations. No new regulations are being created as a result of these corrections and clarifications.

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2. Summary of the data sources used to measure the Rule's impact on Small Businesses

The economic impact is expected to be minimal (less than \$50,000). Most of the corrections are minor in nature and should not result in major changes to current practices. The adoption of the technical corrections and clarifications will likely affect all regulated classes of generators, transfer, storage and disposal facilities, and universal waste and used oil managers. These entities are varied in nature and will apply to many different NAICS classifications.

General categories are grouped in the following NAICS codes:

- Hazardous waste treatment and disposal (NAICS 562211)
- Hazardous waste collection (NAICS 562112)
- Solid waste landfills (NAICS 562212)
- Other Nonhazardous Waste Treatment and Disposal (562219)
- All Other Miscellaneous Waste Management Services (562998)

Many of the corrections were included in federal checklist 214 and in 71 FR 40254. The EPA stated in 71 FR 40254 "this rule corrects errors" and "does not impose new burdens on small entities."

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3. Did the agency consider the following methods to reduce the impact of the Rule on Small Businesses?

- Less Stringent Compliance or Reporting Requirements
- Less Stringent Schedules or Deadlines for Compliance or Reporting
- Consolidation or Simplification of Reporting Requirements
- Establishment of performance standards in lieu of Design or Operational Standards
- Exemption of Small Businesses from some or all requirements
- Other, describe: The department, to meet the statutory requirement to maintain authorization of the federal hazardous waste program in WI, must adopt rules at least equivalent to EPA's RCRA regulations. This strictly limits the agency's authority to modify or reduce requirements. This rule will provide spelling and grammatical corrections and clarify language to align with federal language.

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4. Describe the methods incorporated into the Rule that will reduce its impact on Small Businesses

This rule will most likely have little to no impact on small businesses because the proposed changes are mainly spelling and grammatical errors such as misplaced commas, elimination of parentheses and brackets, and improper articles. Clarifications of existing rules will alleviate potential confusion and will align Wisconsin code with federal code and will not change regulations or requirements.

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5. Describe the Rule's Enforcement Provisions

Enforcement of the administrative rules will follow the department's stepped enforcement procedures and EPA policy.

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6. Did the Agency prepare a Cost Benefit Analysis (if Yes, attach to form)

- Yes    No
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