

Issue Paper
Proposal for Increasing the NR 749 Fees

I. Background

In September, 1998 the Remediation and Redevelopment Program promulgated ch. NR 749 as an emergency rule to establish fees for the review of various documents when requested by Responsible Parties. The rule was made permanent on February 15, 1999. NR 749 established a flat fee system based on the estimated average number of hours the reviews were expected to take. Although several new fees have been added since then (i.e. soil and groundwater GIS fees), the amounts have not changed since they were originally established. Initially, annual revenues far exceeded costs and a large balance developed. More recently, revenues have declined and expenses have increased such that the balance has significantly decreased. We are projecting that the remaining balance will largely be expended by the end of FY '08(June 30, 2008). Without increased revenues, this funding source will no longer be able to support the 9 FTE it currently funds.

At the May, 2007 RR Management Team meeting, the program's managers discussed the anticipated shortfall in program revenue and some potential options for addressing this issue. There were several things decided regarding this issue including:

- The fees needed to be increased to provide full funding for 9 FTE's.
- The goal was to have a new rule in effect by July 1, 2008. In order to make this date, we would need to have a draft rule completed by July, 2007.
- Given the compressed timeframe, the rulemaking effort would need to be separate from the on-going revisions to the NR 700 series.

Based upon the RRMT's assessment of the staffing and financial needs, fast track schedule and overall program stability, The Brownfield Study Group's input is being sought on the following approach:

1) increasing the fees using an "across the board" percentage of 35% based on cost of living increases over the last 10 years, and, 2) utilize a similar approach to the process set forth in NR 750 where the rule language would specify how the Department would determine the appropriate fees but the actual fees would be established outside of the rulemaking process. Table 1 presents the new fees based upon the 35% increase.

It is also noted that other changes to NR 749 (i.e. adding our authority to charge fees for unilateral enforcement actions and including a higher fee for actions requiring modification of the GIS Registry) would also be included with any future rulemaking effort.

Table 1 - New Fees Assuming a 35% Across the Board Increase

Type of Letter	Old Fee	New Fee
Closure	750	1000
Tax Cancellation Agreement	500	675
Negotiated Agreement	1000	1350
Off-site Letter	500	675
Lender Assessment	500	675
General Liability Clarification	500	675
Lease Letter (single)	500	675
Lease Letter (multiple)	1000	1350
SI Workplan	500	675
SI Report	750	1000
Site Specific RCL's	750	1000
Remedial Action Options Report	750	1000
Remedial Design Report	750	1000
O&M Report	300	400
Construction Documentation Report	250	350
Long-term Monitoring	300	400
No Further Action Letters	250	350
Technical Assistance	500	675
GW GIS	250	350
Soil GIS	200	275