

STATE OF WISCONSIN  
DEPARTMENT OF COMMERCE

**NOTICE OF  
PUBLIC HEARING**

NOTICE IS HEREBY GIVEN that pursuant to ss. 101.02 (1), 101.19, 145.02 (3), 101.982, and 101.983, Stats., the Department of Commerce will hold a public hearing on proposed rules under chapters Comm 2 and 82 relating to permit to operate, registration and filing fees.

The public hearing will be held as follows:

**Date and Time:**

August 13, 2009  
1:00 p.m.

**Location:**

Conference Room 3C  
Thompson Commerce Center  
201 W. Washington Avenue  
Madison

Interested persons are invited to appear at the hearing and present comments on the proposed rules. Persons making oral presentations are requested to submit their comments in writing. Persons submitting comments will not receive individual responses. The hearing record on this proposed rulemaking will remain open until August 21, 2009, to permit submittal of written comments from persons who are unable to attend the hearing or who wish to supplement testimony offered at the hearing. Written comments should be submitted to James Quast, at the Department of Commerce, P.O. Box 2689, Madison, WI 53701-2689, or Email at [jim.quast@Wisconsin.gov](mailto:jim.quast@Wisconsin.gov).

This hearing is held in an accessible facility. If you have special needs or circumstances that may make communication or accessibility difficult at the hearing, please call (608) 266-8741 or (608) 264-8777 (TTY) at least 10 days prior to the hearing date. Accommodations such as interpreters, English translators, or materials in audio tape format will, to the fullest extent possible, be made available upon a request from a person with a disability.

The proposed rules and an analysis of the proposed rules are available on the Internet at the Safety and Buildings Division Web site at [www.commerce.wi.gov/SB/](http://www.commerce.wi.gov/SB/). Paper copies may be obtained without cost from Roberta Ward, at the Department of Commerce, Program Development Bureau, P.O. Box 2689, Madison, WI 53701-2689, or Email at [roberta.ward@wisconsin.gov](mailto:roberta.ward@wisconsin.gov), or at telephone (608) 266-8741 or TDD Relay dial 711 in Wisconsin or (800) 947-3529. Copies will also be available at the public hearing.

The small business regulatory coordinator for the Department of Commerce is Carol Dunn, who may be contacted at telephone (608) 267-0297, or Email at [carol.dunn@wisconsin.gov](mailto:carol.dunn@wisconsin.gov).

Bruce Hoesly, Code Editor  
Legislative Reference Bureau  
Suite 200  
1 East Main Street  
Madison, Wisconsin 53703

Dear Mr. Hoesly:

**TRANSMITTAL OF WRITTEN NOTICE OF HEARING  
AND LEGISLATIVE COUNCIL REVIEW**

RULE NO.: Chapters Comm 2 and 82

RELATING TO: Permit to Operate, Registration and Filing Fees

AGENCY UNIT RESPONSIBLE: Safety and Buildings Division

PUBLIC HEARING REQUIRED:  YES  NO

CONTACT PERSON: James Quast TITLE: Program Manager

TELEPHONE: (608) 266-9292 EMAIL: [jim.quast@wisconsin.gov](mailto:jim.quast@wisconsin.gov)

Pursuant to sections 227.14 (4m) and 227.17, Stats., agencies are required to transmit a written notice of submittal of proposed rules to the Legislative Council and a written notice of hearing to the Legislative Reference Bureau, for publication in the Administrative Register.

On the date on this letter the department is submitting proposed rules to the Legislative Council and is submitting the following material to you:

1. Notice of Public Hearing or 30-Day Notice of Proposed Rulemaking.
2. Fiscal Estimate.
3. Initial Regulatory Flexibility Analysis.
4. Draft of Proposed Rules.

Respectfully submitted,

Richard J. Leinenkugel  
Secretary

# INITIAL REGULATORY FLEXIBILITY ANALYSIS

## Department of Commerce

RULE NO.: Chapters Comm 2 and 82

RELATING TO: Permit to Operate, Registration and Filing Fees

1. Types of small businesses that will be affected by the rules.

The proposed fee increase for permits to operate will affect businesses which own any boiler, pressure vessel, anhydrous ammonia system, mechanical refrigeration system, conveyance and passenger ropeway.

The proposed revisions regarding the cross connection control program will affect businesses where certain types of cross connection control assemblies are to be installed or exist to protect public water supplies.

2. Reporting, bookkeeping and other procedures required for compliance with the rules.

The proposed changes to chapters Comm 2 and 82 do not imposed any additional reporting, bookkeeping or other procedures for compliance.

3. Types of professional skills necessary for compliance with the rules.

The proposed changes to chapters Comm 2 and 82 do not any type of new professional skills for compliance.

4. Rules have a significant economic impact on small businesses.

No      Rules not submitted to Small Business Regulatory Review Board

Yes      Rules submitted to Small Business Regulatory Review Board

FISCAL ESTIMATE  
DOA-2048 (R06/99)

ORIGINAL  
 CORRECTED

UPDATED  
 SUPPLEMENTAL

LRB or Bill No./Adm. Rule No.  
Chs. Comm 2 and 82  
Amendment No. if Applicable

**Subject**

Permit to Operate, Registration and Filing Fees

**Fiscal Effect**

**State:**  No State Fiscal Effect

Check columns below only if bill makes a direct appropriation  
or affects a sum sufficient appropriation

Increase Existing Appropriation  
 Decrease Existing Appropriation  
 Create New Appropriation  
 Increase Existing Revenues  
 Decrease Existing Revenues

Increase Costs - May be Possible to Absorb  
Within Agency's Budget  Yes  No

Decrease Costs

**Local:**  No local government costs

1.  Increase Costs  
 Permissive  Mandatory

3.  Increase Revenues  
 Permissive  Mandatory

5. Types of Local Governmental Units Affected:

Towns  Villages  Cities

2.  Decrease Costs  
 Permissive  Mandatory

4.  Decrease Revenues  
 Permissive  Mandatory

Counties  Others \_\_\_\_\_

School Districts  WTCS Districts

**Fund Sources Affected**

GPR  FED  PRO  PRS  SEG  SEG-S

Affected Ch. 20 Appropriations

**Assumptions Used in Arriving at Fiscal Estimate**

Current rules require owners to obtain and hold permits to operate any boiler, pressure vessel, anhydrous ammonia system, mechanical refrigeration system, conveyance and passenger ropeway. Permits to operate are typically issued after a code required periodic inspection. Permits to operate for conveyances and passenger ropeways are issued on a yearly basis. Most permits to operate for boilers, pressure vessels, anhydrous ammonia systems, and mechanical refrigeration systems are issued on a three-year basis. Over the last 3 years on average the department has issued approximately 38,000 permits to operate annually. Raising the permit to operate fee by \$15 will increase the department's revenues annually by \$570,000.

Under current rules certain types of cross connection control devices that protect public water supplies are required to be registered with the department upon installation and tested annually. The types of cross connection control assemblies under this program are reduced pressure principle backflow preventers, reduced pressure fire protection principle backflow preventers, spill resistant vacuum breakers, reduced pressure detector fire protection backflow prevention assemblies and pressure vacuum breakers. Currently, there are just over 33,000 of these assemblies registered with the department. The department is proposing to reduce the registration fee for these assemblies from \$200 to \$100; or \$90 if completed through the Safety and Buildings Division's web site. Over the last 3 years an average of 2275 new assemblies have been annually registered with the department. In 2008 approximately 25,000 performance tests were submitted to the department. The department is proposing a \$40 fee, or a \$30 fee if completed through the Safety and Buildings Division's web site, for the filing of the performance test reports. The department estimates that annual revenues would increase by \$527,000, if 90% of the registrations and performance tests are reported through the Division's web site.

The proposed rules to update and streamline the department's oversight of certain types of cross connection control assemblies do not increase the workload beyond current resources and staff levels.

**Long-Range Fiscal Implications**

No long-range fiscal implications are anticipated.

Agency/Prepared by: (Name & Phone No.)  
Commerce/James Quast, 266-9292

Authorized Signature/Telephone No.

Date

**FISCAL ESTIMATE WORKSHEET**  
 Detailed Estimate of Annual Fiscal Effect  
 DOA-2047(R06/99)

ORIGINAL  
 CORRECTED

UPDATED  
 SUPPLEMENTAL

LRB or Bill No./Adm. Rule No.      Amendment No.  
 Chs. Comm 2 and 82

**Subject**  
 Permit to Operate, Registration and Filing Fees

**I. One-time Costs or Revenue Impacts for State and/or Local Government (do not include in annualized fiscal effect):**

II. Annualized Costs:	Annualized Fiscal impact on State funds from:	
	Increased Costs	Decreased Costs
<b>A. State Costs By Category</b>		
State Operations - Salaries and Fringes	\$	\$ -
(FTE Position Changes)	( FTE)	( - FTE)
State Operations - Other Costs		-
Local Assistance		-
Aids to Individuals or Organizations		-
<b>TOTAL State Costs By Category</b>	\$	\$ -
<b>B. State Costs By Source of Funds</b>		
GPR	\$	\$ -
FED		-
PRO/PRS	0	-0
SEG/SEG-S		-
<b>III. State Revenues- Complete this only when proposal will increase or decrease state revenues (e.g., tax increase, decrease in license fee, etc.)</b>		
GPR Taxes	\$	\$ -
GPR Earned		-
FED		-
PRO/PRS	1,097,000	-
SEG/SEG-S		-
<b>TOTAL State Revenues</b>	\$	\$

**NET ANNUALIZED FISCAL IMPACT**

	<u>STATE</u>	<u>LOCAL</u>
NET CHANGE IN COSTS	\$ 0	\$ 0
NET CHANGE IN REVENUES	\$ 1,097,000	\$ 0

Agency/Prepared by: (Name & Phone No.)  
 Commerce/ James Quast, 266-9292

Authorized Signature/Telephone No.

Date

# NOTICE of ENVIRONMENTAL ANALYSIS

## Department of Commerce

Rule No.: Chapters Comm 2 and 82

Relating to: Permit to Operate, Registration and Filing Fees

Notice is hereby given that the Department has considered the environmental impact of the proposed rules. In accordance with chapter Comm 1, the proposed rules are a Type III action. A Type III action normally does not have the potential to cause significant environmental effects and normally does not involve unresolved conflicts in the use of available resources. The Department has reviewed these rules and finds no reason to believe that any unusual conditions exist. At this time, the Department has issued this notice to serve as a finding of no significant impact.