

DRAFT rule revisions for 9/5/2019 Rule Development Meeting

Comments on this draft may be sent to DNRRNR700input@wisconsin.gov.

Subject matter (group/subgroup): Act 204 - Agency with Administrative Authority

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Changes (include treatment, list in order of rules):

NR 725.02 (2) is amended to read:

NR 725.02 (2) Applicability. (2) In addition to being applicable to sites or facilities specified in sub. (1), this chapter also applies to ~~the proposed closure of~~ solid waste facilities where remedial action is required by the department.

NR 725.02(3) is created read:

NR 725.02 (3) In addition to being applicable to sites or facilities specified in sub. (1) and (2), this chapter also applies to hazardous waste facilities where corrective action is being required by the department.

NR 726.02 (2) is amended to read:

NR 726.02 (2) In addition to being applicable to sites or facilities specified in sub. (1), this chapter applies to the proposed closure of all of the following:

- (a) Solid waste facilities where remedial action is required by the department ~~pursuant to ch. NR 508.~~
- (b) Sites or facilities where remedial action has been taken by a person who is seeking a liability exemption under s. 292.15, Stats.
- (c) Hazardous waste facilities where corrective action is being required by the department.

NR 727.02 (2) is amended to read:

NR 727.02 (2) Applicability. This chapter applies to the responsibilities for continuing obligations and related actions at sites or facilities that are subject to regulation under chs. 289, 291 and 292, Stats., regardless of whether there is direct involvement or oversight by the department. This would include solid waste facilities where remedial action is required by the department and hazardous waste facilities where corrective action is being required by the department.

Plain language explanation/analysis:

2015 Wis. Act 204 amended the definition of “agency with administrative authority” at Wis. Stat. 292.12, clarifying that the department may impose continuing obligations on sites over which it has jurisdiction under ch. 289, 291, or 292, Stats. The purpose of the proposed rule revisions is to ensure consistency with this statutory change.

Comparable state or federal rules or policies:

Not applicable.

Economic impact comments:

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The rule changes are the result of a statutory change; no economic impact.