

DRAFT rule revisions for 2/5/2019 Rule Development Meeting

Subject matter (group/subgroup): Act 204 / definitions

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

NR 700.03 (1e) is amended to read:

(1e) "Agency with administrative authority" or "agency" has the meaning specified in s. 292.12 (1) (a), Stats.

Note: Section 292.12 (1) (a), Stats., reads: "Agency with administrative authority" means the department of agriculture, trade and consumer protection with respect to a site over which it has jurisdiction under s. 94.73 (2) or the department of natural resources with respect to a site over which it has jurisdiction under ~~s. 292.11 (7) ch. 289, 291, or 292.~~

NR 700.03 (7m) is created to read:

(7m) "Contaminated sediment" has the meaning specified in s. 292.01 (1s), Stats.

Note: Under s. 292.01 (1s), Stats., "contaminated sediment" means "sediment that contains a hazardous substance."

NR 700.03 (17) is amended to read:

(17) "Engineering control" has the meaning specified in s. 292.01 (3m), Stats.

Note: Under s. 292.01 (3m), Stats., "engineering control" means an "~~object or~~ action designed and implemented to contain contamination or to minimize the spread of contamination, including a cap ~~or~~ soil cover, or in-place stabilization, but not including a sediment cover."

NR 700.03 (54) is amended to read:

(54) "~~Sediment" means particles in surface waters or wetlands that are derived from the erosion of rock, minerals, soils and biological materials, as well as chemical precipitation from the water column. Sediment particles are transported by, suspended in or deposited by water~~ has the meaning specified in s. 292.01 (17g), Stats.

Note: Under s. 292.01 (17g) "Sediment" means particles in the bed of a navigable water up to the ordinary high-water mark that are derived from the erosion of rock, minerals, soil, and biological materials and from chemical precipitation from the water column and that are transported or deposited by water.

NR 700.03 (54m) is created to read:

(54m) "Sediment cover" has the meaning specified in s. 292.01 (17m), Stats.

Note: Under s. 292.01 (17m), Stats., "sediment cover" means "a layer of uncontaminated sand or similar material that is deposited on top of contaminated sediment."

Plain language explanation/analysis:

The rule changes above are all changes to code that will be proposed to achieve consistency of the code with the changes that 2015 Wis. Act 204 made to Wis. Stat. § 292.01.

Comparable state or federal rules or policies:

Not applicable.

Economic impact comments:

The rule changes above are all direct results of statutory revisions and do not incur economic impacts.