

STATEMENT OF SCOPE

Department of Natural Resources

Rule No.: WA-14-21

Relating to: Revisions to chs. NR 660 to 679 related to technical corrections of state hazardous waste regulations.

Rule Type: Permanent

1. Finding/nature of emergency (Emergency Rule only):

The rule will be proposed as a permanent rule.

2. Detailed description of the objective of the proposed rule:

The Wisconsin Department of Natural Resources (department) is authorized by the U.S. Environmental Protection Agency (EPA) to manage a state program recognized as equivalent to the federal Resource Conservation and Recovery Act (RCRA). In Wisconsin, this is the Hazardous Waste Management Program within the Waste and Materials Management Program. To maintain program authorization, Wisconsin must have analogous regulations to the federal hazardous waste regulations found in 40 CFR 260 to 279. Wisconsin has promulgated these equivalent regulations in chs. NR 660 to 679, Wis. Adm. Code.

The purpose of this scope statement is to request authority to amend chs. NR 660 to 679, Wis. Adm. Code, to make necessary corrections to the state regulations.

As authorized in s. 227.14(1m), Wis. Stats., the department may use the format of federal regulations in preparation of the proposed rule. Additional rule changes may be considered to effectuate the goals described in this scope statement.

3. Description of the existing policies relevant to the rule, new policies proposed to be included in the rule, and an analysis of policy alternatives:

Chapters 660 to 679, Wis. Adm. Code, establish regulations pertaining to the management of hazardous waste. Current state hazardous waste regulations contain spelling and grammatical errors, citation errors, and missing federal code language. The department is proposing this rule to update and correct state regulations including any potential technical corrections finalized by EPA during the proposed rulemaking process.

The alternative to the proposed updates and corrections would be to not make any corrections or clarifications to the rule. This would risk creating inconsistencies with the federal hazardous waste regulations.

4. Detailed explanation of statutory authority for the rule (including the statutory citation and language):

Sections 289.05 and 289.06, Wis. Stats., direct the department to promulgate rules establishing solid waste management standards. Pursuant to ss. 291.05 and 291.07, Wis. Stats., the department is required to promulgate rules for the implementation of the resource conservation and recovery act and the methods of treatment or disposal of particular hazardous wastes.

Additional statutes which may relate to or be affected by the proposed rule revisions include ss. 227.11(2)(a), 289.24, 289.30, 289.31, 289.33, 289.41, 289.43, 289.61, 289.63, 291.25, 299.05, and 299.53, Wis. Stats.

The proposed rules and revisions would correct and update current state rules that comprehensively regulate the generation, transportation, recycling, treatment, storage and disposal of hazardous and universal wastes. The format of the proposed rules is similar to the federal regulations published in the code of federal regulations by the EPA under RCRA.

5. Estimate of amount of time that state employees will spend developing the rule and of other resources necessary to develop the rule:

The department estimates that approximately 1500 hours of staff time will be required to complete the proposed rule.

6. List with description of all entities that may be affected by the proposed rule:

Wisconsin's hazardous waste rules impact regulated classes of generators, transfer, storage and disposal facilities, and universal waste and used oil managers. Correcting errors in those rules could impact those regulated entities.

7. Summary and preliminary comparison with any existing or proposed federal regulation that is intended to address the activities to be regulated by the proposed rule:

This rule will correct errors in state regulations. 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. The United States Environmental Protection Agency is also in the process of making technical corrections to their analogous hazardous waste rules, which may be reflected in these proposed changes.

8. Anticipated economic impact of implementing the rule (note if the rule is likely to have an economic 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.

9. Anticipated number, month and locations of public hearings:

The department anticipates holding a virtual public hearing in or around May 2024 to provide an opportunity for business/industry, municipalities, environmental groups and the public throughout the state to participate.

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