

**PETITION OF THE STATE OF WISCONSIN DEPARTMENT OF NATURAL RESOURCES  
REPEALING AN UNAUTHORIZED RULE**

The Wisconsin Department of Natural Resources proposes the following permanent rule to **repeal** NR 746, relating to agency roles and responsibilities for petroleum contaminated sites.

**EXR-9**

**Analysis Prepared by the Department of Natural Resources**

**1. Statute Interpreted:**

- Section 101.144, Stats.
- 2011 Wis. Act 32
- 2013 Wis. Act 20

**2. Statutory Authority:**

- Section 227.26(4)(b), Stats.
- Section 227.29(1)(a), Stats.
- Section 292.31(2), Stats.

**3. Explanation of Agency Authority:**

Statutory authority for ch. NR 746, Wis. Adm. Code, was repealed by 2013 Wis. Act 20.

**4. Related Statutes or Rules:**

- Section 292.63, Stats.
- Chapter NR 747

**5. Plain Language Analysis:**

Chapter NR 746, Wis. Adm. Code, was originally adopted jointly by the Department of Commerce and the Department of Natural Resources and appeared in the Wisconsin Administrative Code as ch. Comm 46 (subsequently transferred to the Department of Safety and Professional Services by 2011 Wis. Act 32 and renumbered ch. SPS 346) and ch. NR 746.

Chapter NR 746 identifies the roles, processes and procedures that guided the Departments of Safety and Professional Services and Natural Resources in the administration of their respective responsibilities under ss. 101.144, 292.11, 292.31, and 292.63, Stats., and ch. 160, Stats., for oversight and supervision of high, medium and low risk sites where petroleum products have discharged from petroleum storage tanks. The rule codified a memorandum of understanding between the agencies that was required by s. 101.144 (3m), Stats.

As part of 2013 Wis. Act 20, Department of Safety and Professional Services authority for the PECFA Program was transferred to the Department of Natural Resources and ch. SPS 346 was removed from the Administrative Code. Section 101.144, Stats., was repealed, and chapter NR 746 became unnecessary and unauthorized.

**6. Agency Contact Person:**

Jenna Soyer  
Jenna.Soyer@wisconsin.gov  
(608) 267-2465

---

TEXT OF RULE

**SECTION 1. NR 746 is repealed.**

**SECTION 2. EFFECTIVE DATE.** This rule takes effect on the first day of the month following publication in the Wisconsin Administrative Register as provided in s. 227.22 (2) (intro.), Stats.

END OF TEXT