Report From Agency

REPORT TO LEGISLATURE

NR 660, 662 and 665, Wis. Adm. Code
Hazardous waste management

Board Order No. WA-30-06
Clearinghouse Rule No. 06-102

Basis and Purpose of the Proposed Rule

The U.S. Environmental Protection Agency (EPA) recently promulgated significant revisions to the manifest regulations that went into effect on September 5, 2006. The new EPA regulations require the use of standard manifest forms in all states, and require certification from EPA in order to print the manifest forms. The new federal requirements apply in all states, including Wisconsin, but will not override or supersede Wisconsin's state-specific hazardous waste manifest requirements. To prevent legal confusion and potential conflicts with out current manifest rules, they must be revised or the advantages of a single, uniform nationwide rule will be lost.

The proposed rules incorporate the relevant portions of the EPA's changes and eliminate most Wisconsin-specific manifest requirements, including the use of the Wisconsin manifest form for waste shipped into or within the state, or to another state that did not supply manifest forms. The Department will continue to require copies of final signed manifests to be sent to the Department for shipments received by Wisconsin treatment and storage facilities, and from generators for shipments of waste sent out of state for treatment and disposal.

The revised rules require the use of national uniform manifest forms with a standardized set of instructions and requirements that apply in all states. The EPA regulations require certification from EPA in order to print and distribute the national uniform manifest forms. Manifest users will obtain manifests from EPA-certified printers, rather than obtaining them from the Department.

Summary of Public Comments

No public comments was received.

Modifications Made

The Department made minor revisions to correct oversights and omissions from the proposed rule taken to public hearing.

Appearances at the Public Hearing

There were no appearances at the public hearing.

Changes to Rule Analysis and Fiscal Estimate

None were required.

Response to Legislative Council Rules Clearinghouse Report

The recommendations were accepted.

Final Regulatory Flexibility Analysis

The Department evaluated the impacts of the revised rules on small businesses, as required by ch. 227, Stats. We considered the methods listed in s. 227.114(2), Stats., to reduce the impact of the rule on

small businesses and incorporated methods that were feasible. Based on our evaluation, the Department determined that the revised rules will not have a significant impact on a substantial number of small businesses. Therefore, a final regulatory flexibility analysis is not required.