

State of Wisconsin
DEPARTMENT OF NATURAL RESOURCES
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April 12, 2023

Senator Stephen L. Nass, Senate Co-Chair
Joint Committee for Review of Administrative Rules
Room 10 South, State Capitol
Post Office Box 7882
Madison, WI 53707-7882

Representative Adam Neylon, Assembly Co-Chair
Joint Committee for Review of Administrative Rules
Room 204 North, State Capitol
Post Office Box 8952
Madison, WI 53708

Subject: Petition for Authorization to Repeal Rule ch. NR 168, Wis. Adm. Code

Dear Senator Nass and Representative Neylon:

On behalf of the Department of Natural Resources (DNR), I submit this petition for your consideration to authorize the DNR to repeal ch. NR 168, Wis. Adm. Code, related to the brownfield site assessment grant program. A copy of the proposed rule is enclosed. Pursuant to s. 227.26(4)(b)1., Stats., the DNR has determined that ch. NR 168, Wis. Adm. Code, is unauthorized and should be repealed, as specified below and in the attached proposed rule order.

The enabling statutory language which authorized the DNR to implement brownfield site assessment grants, s. 292.75, Stats., was renumbered as s. 238.133, Stats., by 2011 Wis. Act 32. Under s. 238.133, Stats., implementation of this grant program is now the responsibility of the Wisconsin Economic Development Corporation (WEDC), and not the DNR. Because the DNR has no statutory authority to implement the administrative rules in ch. NR 168, the DNR has determined that the administrative code chapter is unauthorized and requests to repeal it.

Thank you for your consideration of this request.

Sincerely,

Adam N. Payne
Secretary
Department of Natural Resources

Encl.