

Report to
Legislative Council Rules Clearinghouse
NR 600-679 Wis. Adm. Code
Natural Resources Board Order No. WA-11-21

Wisconsin Statutory Authority

Sections 227.11(2)(a), 227.14(1m), 287.03(1)(a), 289.05, 289.06, 289.21, 289.24, 289.30, 289.31, 289.33, 289.41, 289.43, 289.61, 289.63, 291.001, 291.05, and 291.07, Stats.

Federal Authority

42 USC § 6926; 40 CFR 271

Comparison of Adjacent States

Minnesota, Illinois, and Michigan have state-managed hazardous waste programs. These states are working to promulgate an equivalent to the Modernizing Ignitable Liquids Rule and include these regulations as part of their respective EPA authorized programs. Iowa does not have RCRA hazardous waste program authorization.

Instead, EPA's Region 7 office administers and enforces the RCRA hazardous waste management requirements in Iowa and therefore the Modernizing Ignitable Liquids rule is already effective.

Court Decisions Directly Relevant

None.

Analysis of the Rule - Rule Effect - Reason for the Rule

The rule incorporates into state law changes made to federal hazardous waste regulations by EPA in the following Federal Register, to the extent allowed by state law:

Modernizing Ignitable Liquids Determinations, July 7, 2020 (85 FR 40594)

This rule updates the flash point test methods from 1978, 1979, and 1980 (required for determining if a liquid waste is an ignitable hazardous waste) to include current ASTM International (ASTM) standards. The rule will also define the term "aqueous" as "50% water by weight." Included in the rule are updates to correct cross references to U.S. Department of Transportation (DOT) regulations and to remove obsolete information in the ignitability regulation...

Agency Procedures for Promulgation

The department will hold a virtual hearing on May 8, 2024, at 10:00 a.m. The hearing will be followed by Natural Resources Board adoption, expected in September 2024, followed by a request for the governor's approval and legislative review.

Description of any Forms (attach copies if available)

No new or existing forms are proposed for this rule.

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