

## Chapter ILHR 1

## WISCONSIN ENVIRONMENTAL POLICY ACT PROCEDURES

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**ILHR 1.01 Authority.** This chapter is promulgated under the authority of ss. 1.11, 1.12 and 227.11 (2), Stats., and provides a process to implement the Wisconsin Environmental Policy Act, and the Wisconsin Energy Resource Conservation Act. This chapter establishes procedures that the department shall use to determine the impact the proposed actions have on the quality of the human environment and to investigate and consider the conservation of energy of major decisions which significantly affect energy usage.

**History:** Cr. Register, February, 1984, No. 338, eff. 3-1-84; correction made under s. 13.93 (2m) (b) 7, Stats., Register, January, 1995, No. 469.

**ILHR 1.02 Purpose.** This chapter:

(1) Provides principles, objectives, definitions, criteria and procedures to be used by the department to implement s. 1.11, Stats.;

(2) Identifies agency actions that have the potential to affect the quality of the human environment and categorizes agency actions based on the degree of impact those actions have on the quality of the human environment;

(3) Ensures that department managers review the consequences that major actions have on the quality of the human environment and develop alternatives to the proposed actions that involve unresolved conflicts in the use of available resources;

(4) Ensures that department staff who make decisions or contribute to decisions understand and consider potential environmental consequences of proposed actions and attempt to minimize the adverse consequences of these actions;

(5) Incorporates applicable court decisions related to the agency implementation of s. 1.11, Stats.;

(6) Provides for public input into the decision making and review process of proposed agency actions which significantly affect the quality of the human environment;

(7) Requires investigation and consideration of energy conservation in major decisions which significantly affect energy usage in accordance with s. 1.12, Stats.; and

(8) Follows the guidelines issued by the United States council on environmental quality for reviewing agency ac-

tions which significantly affect the quality of the human environment.

**History:** Cr. Register, February, 1984, No. 338, eff. 3-1-84.

**ILHR 1.03 Applicability.** The criteria, procedures and other parts of this chapter shall apply to all staff of the department and to all proposed actions of the department which may significantly affect the quality of the human environment.

**History:** Cr. Register, February, 1984, No. 338, eff. 3-1-84.

**ILHR 1.04 Definitions.** In this chapter:

(1) "Action" means any activity initiated or otherwise undertaken by the department, including proposals for legislation, which may affect the quality of the human environment.

(a) "Type I action" means a major action which significantly affects the quality of the human environment and requires the preparation of an environmental impact statement (EIS).

(b) "Type II action" means an action which may or may not significantly affect the quality of the human environment and requires the preparation of an environmental assessment (EA) to determine whether the action significantly affects the human environment and whether an EIS must be prepared.

(c) "Type III action" means an action which normally does not have the potential to cause significant environmental effects and normally does not involve unresolved conflicts in the use of available resources. Unless the department determines otherwise, and EA or an EIS will not be prepared for a type III action.

(2) "Alternative" means an action other than the proposed action which may be reasonably available to achieve the same or altered purpose of the proposed action, including the alternative of no action.

(3) "Department" means the department of industry, labor and human relations.

(4) "Draft environmental impact statement" or "DEIS" means a preliminary version of an environmental impact statement (EIS).

(5) "Environmental assessment" or "EA" means a concise, written public document prepared by or at the direction of the department which provides sufficient evidence

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and analysis, including the study, development and description of alternatives, concerning a proposed type II action which enables the department to determine whether the proposed action constitutes a major action significantly affecting the quality of the human environment or an action of no significant impact.

(6) "Environmental impact statement" or "EIS" means a detailed, written analytical report prepared by or at the direction of the department in accordance with s. 1.11 (2), Stats., which describes the anticipated effects of a proposed major action affecting the human environment, and informs department decision-makers and the public of the reasonable alternatives which would avoid or minimize adverse impacts or enhance the quality of the human environment.

(7) "FEIS" means a final environmental impact statement.

(8) "Finding of no significant impact" means a completed environmental assessment which concludes that the proposed action is not a major action which will significantly affect the quality of the human environment and that no EIS is required.

(9) "Hearing" means a proceeding conducted by the department in a manner consistent with s. 227.18 Stats., to obtain public comments.

(10) "Human environment" or "environment of human beings" means the natural or physical surroundings of people and their relationship with those surroundings, including the economic and social aspects of the surroundings of people only when these are inter-related with the natural and physical aspects of those surroundings.

(11) "Lead agency" means the agency with primary concern or responsibility for a given action as determined through interagency consultation or written agreement.

(12) "Major action" means an action significantly affecting the quality of the human environment. Actions are called "major" when they significantly affect the environment of human beings. "Major" reinforces but does not have a meaning independent of "significantly".

(13) "Resources" means water, air, land, plants, animals, energy, historic properties, vistas, wilderness, or that tranquillity which is affected by noise.

(14) "Scoping" means a process conducted at the outset of preparation of an EIS which involves asking for the views of other governmental agencies and the interested public about what should be in the EIS, the issues that should be addressed, and the relatively more significant issues that should be subjected to in-depth analysis.

(15) "Significantly affecting" means having considerable and important impacts on the quality of the human environment, either in terms of breadth of impact or severity of impact.

(16) "WEPA" means the Wisconsin environmental policy act, s. 1.11, Stats. created under chapter 274, Laws of 1971.

(17) "WERCA" means the Wisconsin Energy Resources Conservation Act, s. 1.12, Stats., created under chapter 29, Laws of 1977.

History: Cr. Register, February, 1984, No. 338, eff. 3-1-84; correction in (9) made under s. 13.93 (2m) (b) 7, Stats., Register, January, 1995, No. 469.

ILHR 1.05 Severability. History: Cr. Register, February, 1984, No. 338, eff. 3-1-84; r. under s. 13.93 (2m) (b) 16, Stats., Register, January, 1995, No. 469.

ILHR 1.06 Environmental analysis. During the planning stage, the department shall review its proposed action and determine what impact this proposed action will have on the quality of the human environment. The department has reviewed its actions and has categorized those actions into 3 types as specified in Table ILHR 1.06. Table ILHR 1.06 shall be used to determine the category of the proposed action and the type of environmental analysis that is required.

(1) TYPE I ACTION. If it is determined from Table ILHR 1.06 that the proposed action is a Type I action, an environmental impact statement or EIS shall be prepared by the department. If the department decides to prepare an EIS, the department will not prepare an environmental assessment or EA.

(2) TYPE II ACTION. If it is determined from Table ILHR 1.06 that the proposed action is a type II action, an EA will be prepared by the department. In the EA, the department shall study, develop and describe appropriate alternatives to the proposed action.

(a) If the EA discloses that the proposed action is a major action that will significantly affect the quality of the human environment, the department shall prepare an EIS.

(b) If the department finds in the EA that the proposed action is not a major action that will significantly affect the quality of the human environment, the EA shall be filed in the office of the WEPA coordinator, as a finding of no significant impact and shall be provided to interested parties upon request.

(3) TYPE III ACTION. A type III action normally does not have the potential to cause significant environmental effects and normally does not involve unresolved conflicts in the use of available resources. Unless the department determines otherwise, an EA or an EIS will not be prepared for a type III action.

(4) OTHER ACTIONS. Every action other than those specified in subs. (1) to (3) shall be evaluated for determination of the type of action.

(5) UPDATING OF TYPE-LIST. The action type-list as specified in Table ILHR 1.06 shall be reviewed annually and updated as necessary to reflect change in department programs or change in the categorization of department actions.

**TABLE ILHR 1.06  
DEPARTMENT ACTION TYPE LIST**

Program Responsibility	Action Identification	Description of Action	Type of Action		
			I	II	III
1. Departmental Administrative & Management Services	<b>A. Facility Development</b>				
	1. Building Remodeling (owned buildings)	Provide for interior remodeling, safety additions, corrections, energy improvements, utility replacement and moving or adding partitions.			X
	2. Leased Facilities	Select, operate and maintain facilities.			X
	3. Building Maintenance (owned buildings)	Provide general maintenance and rehabilitation of existing buildings, e.g., roofs, windows, doors, masonry, etc., including energy improvements.			X
	4. Driveway, Sidewalk and Parking Lot Repair (owned buildings)	Resurface driveways, and parking lots. Replace sidewalk segments or entire walks.			X
	<b>B. Financial Assistance</b>				
	Administration of Federal and State Funds for DILHR Programs or Projects	Administer federal & state funds for programs and projects generally related to client services, including facility development as outlined above.			X
	<b>C. Standards</b>				
	Internal Standards for Budgeting and Financial Management	Monitor federal & state standards, laws, regulations, and guidelines used in developing division standards in accordance with department policies and procedures.			X
	<b>D. Legislative Proposals</b>				
1. Proposed Legislation Affecting the Human Environment	Legislation proposed by the department for new programs or major changes in existing programs, including budget proposals, the implementation of which would have significant material effects on the human environment.		X		
2. Non-Department Proposals	Legislation originating outside the department.			X	
2. Division of Apprenticeship and Training	<b>A. Apprenticeships and Indentures</b>				
		Administer and enforce apprenticeship and indenture programs pursuant to ch. 106, Stats.			X
	<b>B. Veteran Training</b>				
		Approve veteran's training programs under federal law.			X
	<b>C. Regulations</b>				
	1. Ch. Ind 95, Apprenticeship	Specify standards covering requirements for apprenticeship. Establish procedures for processing indentures, qualifications of applicant employers and apprentices, functions of joint apprenticeship committees and other matters related to the apprenticeship program.			X
	2. Ch. Ind 96, Federal Equal Opportunity Apprenticeship Standards	Specify standards promoting equal opportunity in apprenticeship programs registered with the department.			X
3. Division of Safety and Buildings	<b>A. Plumbing</b>				
	1. Plan Review	Review and approve plans and specifications for interior plumbing and inspection of plumbing systems.			X

## WISCONSIN ADMINISTRATIVE CODE

Program Responsibility	Action Identification	Description of Action	Type of Action		
			I	II	III
	2. Licenses and Certifications	Issue licenses for plumbers, restricted plumbers, automatic sprinkler contractors, journeyman fitters and utility contractors; register apprentices, restricted learners and pipelayers and certify soil testers and plumbing inspectors; administer, revoke and suspend licenses and certifications pursuant to ch. 145, Stats.			X
	3. Product Approval	Approve plumbing materials, fixtures and products.			X
	4. Private Sewage	Administer and enforce private sewage programs administered by local government and state aids to private sewage system programs under ch. 145, Stats.			X
	5. Private Sewage System Approvals	Review, approve and inspect private sewage systems.			X
	6. Plat Review	Review plats for subdivisions not served by a public sewer.			X
	7. Alternate Private Sewage System	Evaluate each type of alternate private sewage system under s. 145.022, Stats., prior to adoption for general application.	X		
	<b>B. Technical Services</b>				
	1. Certification of Inspectors	Certify insurance company inspectors of boilers, unfired pressure vessels, refrigeration plants, elevators, escalators and power dumbwaiters.			X
	2. Inspection Service Approval	Approve inspection service employed by owners or operators of boilers and pressure vessels.			X
	3. Shop Inspections	Accept inspections performed by approved owner or operator inspection services. Provide shop inspections when deemed necessary.			X
	4. Municipal Inspections	Accept inspections performed by qualified and authorized inspectors in cities of the first, second and third classes for the inspection of buildings and equipment located within the corporate limits.			X
	5. Distribution of Fire Dues	Administer and distribute fire dues to local municipalities.			X
	6. Blaster Licenses and Welder Certification	Issue blaster licenses and welder certificates.			X
	7. Fire Inspections	Conduct training sessions for fire departments. Monitor fire department inspections and conduct fire inspections.			X
	8. Inspection of Equipment	Review, approve and inspect elevators, boilers, pressure vessels, bulk tanks, mechanical refrigeration systems and anhydrous ammonia tanks.			X
	9. Inspection of Mines, Pits & Quarries	Issue permits for excavations and perform safety inspections of mines, pits and quarries and excavations.			X
	10. Equipment Registration	Register boilers, pressure vessels, refrigeration plants, petroleum gas vessels, anhydrous ammonia tanks and containers, elevators, escalators and dumbwaiters.			X
	<b>C. Safety Inspection</b>				
	1. Amusement Rides and Ski Tows and Lifts	Review and approve plans and specifications for ski tows and lifts. Register and inspect ski tows and amusement rides.			X
	2. Accident Investigation	Investigate work related accidents.			X

Program Responsibility	Action Identification	Description of Action	Type of Action		
			I	II	III
	3. Occupational Safety and Health Standards	Administer and enforce occupational safety and health standards for public sector employes in accordance with s. 101.055, Stats.			X
	4. Toxic Substances	Administer the toxic substances and infectious agents law (Right-to-Know law), s. 101.58, Stats.			X
	5. Occupational Safety & Health Consultation	Consult with and inform private sector employers on federal occupational health and safety standards.			X
	D. Petroleum Inspection	Inspect petroleum products under ch. 168, Stats.			X
	E. Buildings and Structures				
	1. Review and Approval of Building Plans	Review and approve building, heating, ventilating, air conditioning, fire detection, fire prevention, fire suppression systems, and industrial exhaust system plans in public buildings and places of employment.			X
	2. Building Code Inspection	Inspect public buildings and places of employment for compliance with building codes.			X
	3. Certification of Inspectors	Certify, suspend and revoke certification of municipal inspectors, one- and 2-family dwelling and rental unit energy inspectors under ss. 101.63 and 101.73 (5), Stats.			X
	4. Product Approval	Approve building materials and products.			X
	5. Mobile Homes	Review and approve mobile home plans, provide construction inspections, issue labels and license manufacturers of mobile homes.			X
	6. Dwellings	Administer and enforce programs for manufactured homes and one- and 2-family dwellings.			X
	7. Renewable Energy Resource Systems	Review and approve refunds for renewable energy resource systems.			X
	F. Rules				
	1. Ch. Ind 1 Safety	Specify regulations to promote the health, safety and welfare of the public, employers and employes in public places of employment.			X
	2. Ch. ILHR 8 Mines, Pits and Quarries	Specify safety regulations based on federal standards for openings or excavations in earth for the purpose of extracting minerals or other products, and equipment related to processing or manufacturing of ores, aggregates, cements, lime, clay and silica sand.		X	
	3. Ch. ILHR 18 Elevators	Specify regulations to protect the health, safety and welfare of the public and employes by establishing minimum standards for the design, construction, installation, operation, inspection, testing, maintenance, alteration and repair of elevators and mechanical devices installed in all public buildings and places of employment.			X
	4. Ch. ILHR 7 Explosive Materials	Specify safety regulations based on federal standards for the handling, use, storage and intrastate transportation of explosive materials.			X
	5. Ch. Ind 6 Trench, Excavation and Tunnel Construction	Specify safety regulations for all tunnels, caissons, accessory shafts and trenches while under construction.			X

Program Responsibility	Action Identification	Description of Action	Type of Action		
			I	II	III
	6. Ch. ILHR 15 Cleaning and Dyeing	Specify regulations to provide reasonable safeguards for the prevention and control of fire and explosion hazards incident to drycleaning operations and for the protection of the public and employes who use and work in these facilities.			X
	7. Ch. ILHR 10 Flammable Liquids	Specify regulations for the safe storage, handling or use of flammable or combustible liquids in plants, stations or establishments.		X	
	8. Ch. ILHR 11 Liquefied Petroleum Gases	Specify safety regulations for the design, construction, location, installation, operation, repair and maintenance of equipment for the storage, handling and use of liquefied petroleum gases and liquefied natural gases in dwellings, public buildings and places of employment.		X	
	9. Ch. ILHR 48 Petroleum Products	Specify regulations for the inspection and testing of petroleum products for compliance with product specification requirements.			X
	10. Ch. Ind 11 Occupational Noise Exposure	Specify regulations for the control of exposure to occupational noise to conserve employe hearing.			X
	11. Ch. Ind 12 Work Under Compressed Air	Specify regulations for the safety and health of persons employed in compressed air, exclusive of diving work.			X
	12. Ch. ILHR 27 Manufactured Homes	Specify regulations to promote the health, safety and welfare of the public by the adoption of uniform construction standards, inspection procedures, licensing of manufacturers and warranties for mobile homes and to promote interstate uniformity through reciprocal agreements with other states and the federal government.			X
	13. Ch. Ind 18 Renewable Energy Financial Incentives	Specify regulations for certifying renewable energy systems for individuals, unincorporated businesses, schools, churches, nonprofit corporations, cities, towns, municipalities, partnerships, cooperative and corporate/franchise benefits.		X	
	14. Ch. Ind 19 Illumination	Specify regulations for the minimum lighting requirements for new and existing construction of factories, offices, mercantile buildings and all outdoor work areas, theaters and assembly halls, schools and other places of instruction, apartment buildings, hotels and places of detention and swimming pools.			X
	15. Chs. ILHR 20-25 Uniform Dwelling	Specify regulations to establish uniform statewide construction and energy standards and inspection procedures for one- and 2-family dwellings and manufactured buildings for dwellings.		X	
	16. Ch. ILHR 26 Certification of Uniform Dwelling Code Inspectors and Independent Inspection Agencies	Specify regulations to promote effective and uniform enforcement of the uniform dwelling code through state certification of inspectors and independent inspection agencies.			X
	17. Ch. Ind 35 Safety in Construction	Specify safety regulations for the erection, repair, alteration, renovation, relocation and demolition of buildings and other structures, and for all operations incident to the equipment and maintenance of buildings and other structures.			X
	18. Chs. ILHR 41-42 Boiler and Pressure Vessel	Specify regulations for the safe design, construction, installation, operation, repair and inspection of boilers and pressure vessels and associated piping components.			X

Program Responsibility	Action Identification	Description of Action	Type of Action		
			I	II	III
	19. Ch. ILHR 43 Anhydrous Ammonia	Specify safety regulations for the design, construction, location, installation and operation of anhydrous ammonia systems.		X	
	20. Ch. ILHR 45 Mechanical Refrigeration	Specify regulations for the safe design, construction, installation, operation and inspection of refrigerating systems employing a fluid which normally is vaporized and liquefied in its refrigerating cycle.			X
	21. Ch. ILHR 33 Towing and Lifting Devices for Ski Areas	Specify regulations for the safe design, construction, installation, inspection and operation of aerial tramways, lifts and rope tows.			X
	22. Ch. ILHR 34 Amusement Rides and Devices	Specify regulations for the safe design, construction, operation, repair, inspection, assembly, disassembly and use of amusement rides and devices.			X
	23. Chs. ILHR 50-64 Building and Heating, Ventilating and Air Conditioning	Specify regulations to protect the health, safety and welfare of the public and employes by establishing minimum standards for the design, construction, structural strength, quality of materials, adequate egress facilities, sanitary facilities, natural lighting, heating and ventilating, energy conservation and fire safety for all public buildings and places of employment.		X	
	24. Ch. ILHR 14 Fire Prevention	Specify regulations for the prevention of fires by proper housekeeping, and the proper handling and disposal of flammable, combustible and hazardous substances.			X
	25. Ch. ILHR 2 Fee Schedule	Specify regulations for the fees to be paid to the department for providing services authorized in the statutes.			X
	26. Chs. Ind 160-164 Existing Buildings	Specify regulations for the safe design and construction of all buildings and structures erected prior to the effective date of the first building code of October 9, 1914.			X
	27. Ch. Ind 220 Dusts, Fumes, Vapors and Gases	Specify regulations for submitting plans and specifications of exhaust ventilation equipment when installed, remodeled or moved.			X
	28. Ch. Ind 221 Spray Coating	Specify regulations for the safe use and control of all spray coating apparatus, in public sector places of employment.			X
	29. Ch. Ind 225 Sanitary Facilities in Railroad Terminals and Caboose	Specify regulations for providing sanitary facilities for the employes of every railroad terminal.			X
	30. Ch. ILHR 32 Safety & Health Standards for Public Employes	Specify regulations to promote the health, safety and welfare of the public, employers and employes in all public places of employment.		X	
	31. Ch. ILHR 16 Electrical Code Volume 2	Specify regulations for the practical safeguarding of persons and property from hazards arising from the installation and use of electricity.			
	32. Ch. ILHR 67 Rental Unit Energy Efficiency	Specify regulations for minimum energy efficiency standards for rental units, inspections, procedures to determine compliance and certification procedures.		X	
	33. Ch. ILHR 68 Certification Standards for Rental Unit Energy Inspections	Specify regulations for certification, including suspension and revocation, of rental unit energy efficiency inspectors.			X

Program Responsibility	Action Identification	Description of Action	Type of Action		
			I	II	III
	34. Ch. ILHR 81 Apprenticeships, Licenses, Registrations and Certifications	Specify regulations to protect the health of the public by establishing minimum standards for the qualification, activities and responsibilities of persons engaging or offering to engage in plumbing work or the installation of automatic fire sprinklers; licensure of utility contractors; certification of plumbing inspectors for one- and 2-family dwellings; and certification of soil testers.			X
	35. Ch. ILHR 82 Design, Construction, Installation, Supervision and Inspection of Plumbing	Specify regulations for the design, construction, installation, supervision and inspection of plumbing.		X	
	36. Ch. ILHR 83 Private Sewage Systems	Specify regulations for the proper siting, design, installation, inspection and maintenance of private sewage systems.		X	
	37. Ch. ILHR 86 Boat and On-Shore Sewage Facilities	Specify regulations for the abatement of water pollution through control of the discharge of sewage from boats maintained or operated at any time upon the inland or outlying waters of the state.		X	
	38. Ch. ILHR 85 Subdivisions Not Served by Public Sewers	Specify regulations to promote public health by establishing minimum lot sizes and lot elevations necessary for proper sewage disposal in subdivisions not served by a public sewer.		X	
4. Division of Equal Rights	A. Enforcement of Anti-Discrimination Laws				
	1. Fair Employment Law, ss. 111.31-111.37, Stats.	Prohibit employment discrimination based on age, race, color, creed, handicap, sex, national origin, ancestry, arrest or conviction record, sexual orientation and marital status. Prohibit unfair honesty testing.			X
	2. Fair Housing Law, s. 101.22, Stats.	Prohibit housing discrimination based on sex, race, color, handicap, religion, national origin, marital status, lawful source of income, age, ancestry, and sexual orientation.			X
	3. Public Accommodations Law, s. 101.222, Stats., s. 924.04, Stats.	Prohibit discrimination in public places based on sex, race, color, creed, developmental disability, national origin, ancestry, or sexual orientation.			X
	B. Enforcement of Labor Standard Laws				
	1. Child Labor Law ss. 103.64-103.82, Stats.	Enforce regulations for minors which govern the hours, time of day and hazardous employments minors may work. Set up statewide work permit program for minors.			X
	2. Street Trade Law, ss. 103.21-103.31, Stats.	Enforce regulations which govern the employment of minors in street trades, i.e., newspaper, etc.			X
	3. Minimum Wage Law, ss. 104.02-104.03, Stats.	Enforce regulations which govern minimum wage. Receive and investigate complaints.			X
	4. Hours of Work and Overtime Law ss. 103.01-103.03, Stats.	Enforce regulations which govern the hours of work and overtime payments. Receive and investigate complaints.			X
	5. One Day Rest in Seven Law s. 103.85, Stats.	Enforce regulations which allow employees one day of rest every 7 days.			X
	6. Wage Payment and Collection Law, ss. 109.01-109.11, Stats. ss. 103.17, 103.37, 103.45, 103.455 and 103.457, Stats.	Receive and investigate complaints from individuals who have not been paid wages earned.			X
	7. Employment Agents Law ss. 105.01-105.16, Stats.	License and regulate private employment agents.			X



Program Responsibility	Action Identification	Description of Action	Type of Action		
			I	II	III
	8. Wage Garnishment Law, s. 812.18, Stats.	Regulate wage garnishment actions.			X
	9. Seats for Workers Law s. 103.16, Stats.	Provide suitable seats for employes.			X
	10. Records open to employes s. 103.13, Stats.	Protects employes or former employe's rights to inspect their own personnel records.			X
	11. Grooming requirements; notifications s. 103.14, Stats.	Employer shall at the time of hire notify employes of grooming requirements.			X
	12. Recruitment of strikebreakers s. 103.545, Stats.	Prohibits the use of individuals by employers to replace employes who are on strike.			X
	<b>C. Enforcement of Prevailing Wage and Hours of Work and Relocation Laws</b>				
	1. Prevailing Wage Rates and Hours of Labor for Municipal Public Works Construction Projects Law, ss. 66.293 and 946.15, Stats.	Administer regulations requiring construction projects financed under local governmental units to pay prevailing wages and fringes.			X
	2. Prevailing Wage Rates and Hours of Labor for State Contract Building and Public Works Construction Projects Law s. 103.49, Stats.	Administer regulations requiring construction projects financed under state governmental units to pay prevailing wages and fringes.			X
	3. Prevailing Wage Rates and Hours of Labor for State Contract Highway Construction Project, s. 103.50, Stats.	Administer regulations requiring highway construction by state government to pay prevailing wages and fringes.			X
	4. Relocation Assistance Program Law, ss. 32.185-32.27, Stats.	Oversee the activities of municipalities and other public entities when they function as condemners, exercising their power of "eminent domain". Assure that persons, businesses or nonprofit organizations displaced receive fair and equitable relocation benefits and services.			X
	5. Low bids on construction of public projects ss. 16.855, 33.18, 59.08, 60.29, 61.55, 62.15, 66.29 & 66.40, Stats.	Describes procedures for low bids of construction projects.			X
	<b>D. Regulations</b>				
	1. Fair Employment Ch. Ind 88	Specify rules for enforcing Fair Employment Law.			X
	2. Fair Housing Ch. ILHR 220	Specify rules for enforcing Fair Housing Law.			X
	3. Child Labor Ch. Ind 70	Specify rules for enforcing Child Labor Law.			X
	4. Street Trades Ch. Ind 71	Specify rules for enforcing Street Trade Law.			X
	5. Minimum Wage Ch. Ind 72	Specify rules for enforcing Minimum Wage Law.			X
	6. Hours of Work and Overtime Ch. Ind 74	Specify rules for enforcing Hours of Work and Overtime Law.			X
	7. One Day Rest In Seven Ch. Ind 75	Specify rules for enforcing One Day Rest in Seven.			X
	8. Employment Agents, Ch. Ind 77	Specify rules for enforcing Employment Agents Law.			X
	9. Wage Garnishment Law, Ch. Ind 78	Specify rules for enforcing Wage Garnishment Law.			X
	10. Prevailing Wage Rates and Hours of Labor for Municipal Public Works Construction Projects Ch. Ind 90	Specify rules for enforcing prevailing wage rates and hours of labor for municipal public works construction projects.			X

Program Responsibility	Action Identification	Description of Action	Type of Action		
			I	II	III
5. Division of Worker's Compensation	11. Prevailing Wage Rates and Hours of Labor for State Contract Building and Public Works Construction Projects, Ch. Ind 92	Specify rules for enforcing prevailing wage rates and hours of labor for state contract building and public works construction projects.			X
	12. Relocation Assistance Program Ch. Ind 97	Specify rules for enforcing assistance program.			X
	A. Monitor payment of benefits under ch. 102 Stats., Worker's Compensation Act	Request and receive information on injuries, payments and medical reports. Advise on rights and duties by mail and phone.			X
	B. Administer self-insurance program	Receive application for self-insurance by employers and determine eligibility.			X
	C. Enforce insurance requirements	Investigate lapses in coverage; advise on required insurance; seek voluntary compliance; and prosecute violators.			X
6. Division of Job Service	D. Conduct hearings in disputed cases	Receive applications for hearing, schedule and conduct prehearing conferences and formal hearings at appropriate locations in the state.			X
	E. Administer statutes related to Worker's Compensation s. 56.21, Stats., (Benefits to prisoners), ss. 66.191 and 40.65, Stats., (Special benefits and death benefits for public employes in protective occupations and their dependents) s. 101.47, Stats., (Special benefits to policemen, firemen, and national guardsmen).	Request and receive information on injuries, payments and medical reports. Advise on rights and duties by mail and phone. Receive applications for hearing, schedule and conduct prehearing conferences and formal hearings at appropriate locations in the state.			X
	A. Authorize income supplements in accordance with state and federal law	Conduct eligibility reviews, approve or deny payment of benefits, produce reports on benefits programs.			X
	B. Conduct labor exchange in accordance with state and federal law	Conduct work tests and eligibility reviews, conduct labor exchange including training and jobs. Inspect migrant labor camps under federal standards. Train in job seeking skills. Compile, analyze and disseminate labor market and management information.			X
	C. Job Service Facilities	Request acquisition, improvement, upkeep and maintenance of Job Service facilities through Administrative Services & DOA.			X

**History:** Cr. Register, February, 1984, No. 338, eff. 3-1-84; corrections in table made under s. 13.93 (2m) (b) 7, Stats., Register, January, 1995, No. 469.

**ILHR 1.07 Interagency procedures. (1) ACTIONS INVOLVING AN EA.** Where another state agency has concurrent responsibility with the department for a proposed type II action, a joint environmental assessment may be prepared with the other agency, or the environmental assessment prepared by the other agency may be accepted by the department provided that the assessment meets the requirements of WEPA, in which case the department's responsibility under WEPA has been met.

**(2) ACTIONS INVOLVING AN EIS.** Where a proposed action is found to require an EIS and another state agency is involved in the approval or decision, a joint EIS may be prepared with the other agency, or the EIS prepared by the other agency may be accepted by the department provided that the EIS meets the standards for an adequate statement under this chapter, in which case the department's responsibility under WEPA has been met.

**History:** Cr. Register, February, 1984, No. 338, eff. 3-1-84. Register, January, 1995, No. 469

**ILHR 1.08 Preparation of an environmental assessment.**

**(1) CONTENT.** To determine whether a type II action is major and significantly affects the quality of the natural and physical environment of human beings, and to describe alternatives to that action, the department shall conduct an environmental assessment and shall prepare a reviewable record in the form of a concise report. The preparation shall be done as early as possible in the planning process but, in any event, before contracts are signed if the action involves construction for the department. The report shall include:

(a) A brief description of the proposed action, the purpose of the action, need for the action, and maps and graphs, if applicable;

(b) A brief description of those factors in the human environment affected by the proposed action;

(c) A brief evaluation of significant primary and secondary environmental effects that would result if the proposal were implemented. "Effects" are of the following 2 types:

1. Primary effects are those on water, air, land, plants, animals, energy use, historic properties, wilderness, vistas, and tranquillity which is affected by noise; and effects on society and the economy when those effects are directly inter-related with the effects on the natural and physical environment.

2. Secondary effects are, in relation to primary effects, the foreclosure of future options, establishment of precedents, cumulative impacts when actions of the type are repeated, stimulation of effects that are later in time or at a distance conflicts with official plans of public agencies or with policies of governments at any level, and significant controversy that may be or is generated by the proposed action;

(d) A consideration of reasonable alternatives to the proposed action, including the alternative of no action, and the identification of the significant environmental effects of these alternatives when they differ from the anticipated impacts of the proposed action;

(e) A brief evaluation to study, develop, and describe appropriate alternatives to recommended courses of action in any proposal which involves unresolved conflicts concerning alternative uses of available resources.

(f) A listing of other agencies or persons contacted and the comments of, and other pertinent information from, these agencies and persons; and

(g) A preliminary recommendation on the need for an EIS.

(2) **GENERIC EA.** Where proposed actions are likely to be repeated on a recurring basis or where they have relevant similarities such as common timing, impacts, alternatives, methods of implementation, or subject matter, a generic EA may be prepared. The department shall, when addressing a single action already covered by a generic EA, consider the relevance of the generic EA to the specific action.

(3) **NOTICE.** (a) *Content.* The department shall develop a notice for EA's prepared under this section. The notice shall state that the EA has been prepared and is available for review and shall include the following information:

1. Title of proposed action;
2. A brief description of the proposed action, including the location of any project;
3. The preliminary determination by the department of the need for an EIS;
4. The name of a contact person within the department who can supply copies of the EA and can answer questions about it; and
5. The latest date on which the department will accept and consider comments before making a final decision on the need for an EIS.

(b) *Distribution.* The department shall send copies of the notice to all individuals, agencies, and organizations that have requested notification of the EA or of all EA's and, in the case of a project in a particular area of the state, to the news media in the vicinity of the project. The department may also publish the notice in the Wisconsin administrative register.

(c) *Public comment and input.* Following the deadline for receipt of public comment on the EA, the department shall review the EA, consider all public comments received on the EA, make modifications judged necessary, and approve the EA which shall include a finding either of no significant impact or of the need for an EIS.

(4) *Findings.* (a) If a finding is made in the EA of no significant impact, no EIS shall be required, the environmental review is complete and the original EA shall then be filed in the office of the WEPA coordinator as a finding of no significant impact.

(b) If a finding is made in the EA that an EIS is required for a proposed Type II action, the department shall proceed with the preparation of an EIS.

History: Cr. Register, February, 1984, No. 333, eff. 3-1-84.

**ILHR 1.09 Preparation of an environmental impact statement.** The department shall use the following procedure in the development and analysis of environmental impact statements.

(1) **DRAFT, FINAL AND SUPPLEMENTAL STATEMENTS.** Except for proposals for legislation, environmental impact statements shall be prepared in 2 stages and may be supplemented. The EIS shall be prepared by the department or shall be prepared for the department under contract by a consultant with supervision and final editorial review by the department.

(a) Draft environmental impact statements (DEIS) shall be prepared in accordance with the scope decided upon in the scoping process. The lead agency shall work with the cooperating agencies and shall obtain comments. The draft statement seeks to fulfill the requirements in section s. 1.11 (2) (c), Stats. The agency shall make every effort to disclose and discuss at appropriate points in the draft statement, all major points of view on the environmental impacts of the proposed action, alternatives to the proposed action, including the alternative of no action.

(b) The FEIS shall include public comments. The agency shall discuss at appropriate points in the final statement any responsible opposing view which was not adequately discussed in the draft statement and shall indicate the agency's response to the issues raised.

(c) The department may prepare supplements to the final environmental impact statements if:

1. The agency makes substantial changes in the proposed action that are relevant to environmental concerns; or
2. There are significant new circumstances or information relevant to environmental concerns that bear on the proposed action or its impacts.

(2) **SCOPING.** After the decision is made through the use of the action type list or the EA that an EIS must be prepared, the department shall inform the public and affected or otherwise interested state agencies that an EIS will be prepared for the purpose of identifying potential major issues.

(a) The scoping process shall include, to the extent possible, affected federal, state and local agencies and other interested persons. The process may consist of meetings, hearings, workshops, surveys, questionnaires, inter-

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agency committees, or other appropriate methods or activities, and may be integrated with other public participation requirements.

(b) The department shall use the scoping process to:

1. Determine the scope and the significant issues to be analyzed in depth in the EIS;

2. Identify and eliminate from detailed study the issues which are not significant or which have been covered by prior environmental analysis and to narrow the discussion of these issues in the EIS to a brief presentation about why the issues will not have a significant effect on the human environment;

3. Set a time schedule for document preparation and opportunities for public involvement; and

4. Allocate assignments for preparation of the EIS among the lead and cooperating agencies.

(3) **FORMAT OF EIS.** (a) The EIS shall be written in plain language, and shall be concise, clear, and to the point. It should include appropriate graphics to help decision-makers and citizens understand the implications of the proposed action and alternatives for quality of the human environment.

(b) The parts of the EIS shall be:

1. A cover sheet containing the title of the proposed action, name of the department, designation of the document as the draft or final statement, name and address of the office where more information can be provided, a one paragraph abstract of the statement and the last date on which comments on the document will be considered;

2. A summary of the statement including a brief description of the proposed action, major conclusions, areas of controversy, and issues to be resolved;

3. A table of contents;

4. A brief specification of the purpose of the action and need for it;

5. A succinct description of the environment which would be affected by the proposed action;

6. An analysis of the impact on the environment of the proposed action and all reasonable alternatives to it, including the alternative of no action in comparative format;

7. A discussion of the scientific and analytic basis for the environmental consequences identified in subd. 6;

8. A list of preparers of the EIS together with their qualifications; and

9. Appendices, if any, relevant to analyses in the EIS or otherwise relevant to the decision to be made.

(c) Other documents and sources of information may be incorporated by reference, provided that they are reasonably accessible to interested persons. "Reasonable accessible" in the case of documents means that the documents are available for public inspection at the central offices of the department in Madison.

(4) **CONTENT OF STATEMENT.** (a) When an EIS is required, the EIS shall emphasize significant environmental Register, January, 1995, No. 469

issues identified during the scoping process. An EIS shall contain:

1. A description of the proposed action, the affected environment, including the project location, type of facility, time schedules, maps and diagrams deemed relevant, and other pertinent information which will adequately allow an assessment of the potential environmental impact by any agency or person who wants to make comments on the proposal;

2. An analysis of the probable impact, including the energy impact, of the proposed action on the human environment including an evaluation of the positive and negative effects of the proposed action as it relates to the environment and review of the primary and secondary consequences of the action on the environment;

3. Alternatives to the proposed action, including an exploration and objective evaluation of the environmental impacts of all reasonable alternatives, particularly those that might avoid all or some of the adverse environmental effects of the proposed action. A preferred alternative may be identified;

4. A discussion of probable adverse environmental effects which cannot be avoided should the proposal be implemented. The protective and mitigative measures to be taken as part of the proposed action shall be identified;

5. A discussion of the relationship between short-term use of the environment and the maintenance and enhancement of long-term productivity;

6. Identification of significant irreversible and irretrievable commitments of resources that would be involved in the proposed action if implemented, including a statement identifying the extent to which the proposed action irreversibly curtails the range of potential uses of the environment;

7. Details of the beneficial aspects of the proposed action, and of the economic advantages and disadvantages and energy impacts of each alternative; and

8. A summary of the scoping process used and the major issues identified for detailed analysis in the EIS.

(b) The EIS shall be an analytical document that enables environmental factors to be considered in the development of a proposed action. The EIS shall be considered by the department in the decision-making process.

(c) An EIS is not a document of justification. On the other hand, disclosure of adverse environmental effects does not necessarily mean that a proposed action should be abandoned.

(d) Where proposed actions are likely to be repeated on a recurring basis or where they have relevant similarities such as common timing, impacts, alternatives, methods of implementation, or subject matter, a generic EIS, may be prepared. The department shall, when addressing a single action already covered by a generic EIS, examine the relevance of the generic EIS to the specific action.

History: Cr. Register, February, 1984, No. 338, eff. 3-1-84.

**ILHR 1.10 Distribution and review of the DEIS. (1) DISTRIBUTION OF EIS.** Copies of the DEIS shall be distributed to:

- (a) The governor's office;
- (b) State, federal and local government agencies having special expertise, interest or jurisdiction;
- (c) Regional and county planning agencies located within the proposed project or action area;
- (d) Regional offices of the department covering the area of the proposed project or action and the department's central office in Madison;
- (e) The following depository libraries:

- 1. For proposed actions affecting a local area, copies shall be distributed to the nearest library;
- 2. For projects of regional importance, copies shall be distributed to public depository libraries located throughout the region;
- 3. For projects having statewide significance, copies shall be distributed to public depository libraries located throughout the state;

(f) The county clerk, city clerk or town clerk for proposed actions affecting a local area; and

(g) Any individual or group requesting a copy.

(2) **NOTICE OF AVAILABILITY.** (a) The department shall publish in local newspapers, or in the official state newspaper, as appropriate, a notice of availability of the DEIS which briefly describes the proposed action and the administrative procedures being followed in review for environmental impact, establishes the last date by which comments on the DEIS are to be submitted to the department, indicates locations where copies of the DEIS are available for review and provides an address from which any interested party may obtain a copy of the DEIS.

(b) The department shall send copies of the notice of availability to:

- 1. Local and regional news media in the affected area;
- 2. Groups and individuals known to have an interest in the particular EIS; and
- 3. All participants in the scoping process who are not covered by subd. 1 or 2.

(c) The notice of availability of the DEIS may be combined with the notice of informational hearing under sub. (4).

(3) **PERIOD FOR COMMENT.** The department shall allow a minimum of 45 days from the date the notice of availability of the DEIS is published, including a minimum of 7 days following the hearing provided for in sub. (4), for receipt of written comments on the DEIS.

(4) **INFORMATIONAL HEARING.** (a) The department shall hold a public hearing on the DEIS. The hearing shall be noticed as follows:

- 1. At least 30 days prior to the hearing, notice shall be mailed to all known agencies and offices required to grant any permit, license of approval necessary for the proposal; to any regional planning commission within which the affected area lies; to the governing bodies of all towns, villages, cities and counties within which any part of the proposal lies; to the governing bodies of any towns, vil-

lages or cities contiguous to any town, village or city within which any part of the proposal lies; and to interested persons who have requested such notification.

2. At least 25 days prior to the hearing, a notice shall be published in a newspaper circulated in the affected area or, for actions of statewide significance, in the official state newspaper.

(b) The hearing shall be held in the affected area. On actions of statewide significance, the hearing may be held in Madison.

(c) The hearing shall be transcribed either stenographically or electronically.

*History:* Cr. Register, February, 1984, No. 338, eff. 3-1-84.

**ILHR 1.11 Conversion of DEIS to FEIS.** After weighing the testimony received at the public hearing on the DEIS, and undertaking whatever further investigation in response to that testimony deemed necessary, the department may convert a DEIS to an FEIS. The conversion may be accomplished by replacing the cover sheet, modifying the statement as judged appropriate to reflect information received at public hearing or while the hearing record was kept open, and by adding an appendix which records and responds to information, concerns, views, arguments, and suggestions received at the hearing and while the hearing record was kept open.

*History:* Cr. Register, February, 1984, No. 338, eff. 3-1-84.

**ILHR 1.12 Distribution and review of the FEIS.** (1) **DISTRIBUTION.** Copies of the FEIS shall be distributed in the same manner as the DEIS specified in s. ILHR 1.10 (1), and shall also be distributed to any person, organization or agency that submitted comments on the DEIS.

(2) **NOTICE OF AVAILABILITY.** The availability of the FEIS shall be announced through a notice similar to the notice of availability of the DEIS specified in s. ILHR 1.10 (2). That notice shall state whether the department will hold a public hearing on the FEIS, as permitted under sub. (3) (b). The department shall provide a copy of the FEIS to any individual or group requesting a copy.

(3) **PERIOD FOR COMMENT.** (a) The department shall allow a minimum of 45 days from the date the notice of availability of the FEIS is published, including a minimum of 7 days following a hearing held under par. (b), for receipt of written comments on the FEIS from state and federal agencies and the public.

(b) The department shall hold a public hearing on the FEIS. That hearing shall be announced through the notice of availability of the FEIS which shall be published at least 25 days prior to the hearing in a newspaper circulated in the affected area or, for actions of statewide significance, in the official state newspaper.

*History:* Cr. Register, February, 1984, No. 338, eff. 3-1-84.

**ILHR 1.13 Contested case hearing.** (1) **PETITION FOR CONTESTED CASE HEARING.** The department shall grant a petition for a contested case hearing on the FEIS when the petition contains a statement of the specific reasons why the petitioner believes a contested case hearing should be held and the petition contains sufficient facts for the department to determine that:

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(a) The petitioner satisfies the criteria of s. 227.42, Stats.; or

(b) The petitioner has an individual interest in the outcome of the proceeding and a public interest will be served by holding a contested case hearing.

(2) **TIME LIMIT FOR PETITION.** Any petition received by the department requesting a contested case hearing more than 20 days after the date of publication of the notice of availability, shall be denied.

(3) **HEARING.** (a) If the department grants a request for a contested case hearing, the department shall inform the person making the request about the date, time and place of the hearing.

(b) In the event that more than one request for a contested case hearing on the FEIS is granted, the department may consolidate the requests and hold one hearing.

(c) The only issue at the hearing shall be whether the FEIS complies with the requirements of s. 1.11, Stats. The persons who requested the hearing shall have the burden of proving to a reasonable certainty by the greater weight of the credible evidence that the FEIS does not comply with the requirements of s. 1.11, Stats.

(d) The hearing shall be held in accordance with the department's general procedural rules for hearings or, in the absence of those rules, the conditions and procedures set out in ss. 227.44 to 227.50, Stats., except as otherwise provided in this subsection. Rescheduling of hearings shall be at the department's discretion and will be granted only for good cause.

(4) **EVIDENCE, DISCOVERY AND DISCLOSURE.** (a) The FEIS shall be received into the hearing record as an exception to the hearsay rule and shall be considered by the department in making its decision for whatever probative value the FEIS has.

(b) Notwithstanding any other rule of the department, the parties in proceedings under this action shall have the means of discovery, except written interrogatories and depositions on written questions, available to parties through judicial proceedings set forth in ch. 804, Stats.

(c) Not less than 10 days before the hearing the parties shall file with the department:

1. The names and addresses of all witnesses, including adverse witnesses, that the party may call to testify at the hearing;

2. A detailed written summary of the testimony to be elicited from each witness identified in subd. 1., including any opinion or conclusion of the witness on any matter relevant to the proceedings and the facts and data underlying that opinion or conclusion. The summary shall be an oath or affirmation; and

3. A copy of any document or other writing, except the FEIS, and a copy or detailed description of any demonstrative evidence the party may offer into evidence as exhibits.

(d) 1. Any witness whose name, address and summary of testimony is not provided as required in par. (c) 1. and 2. shall not be permitted to testify at the hearing. No

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witness may testify on any matter not included in the summary of testimony.

2. No document or other writing or a copy of detailed description of any demonstrative evidence not filed as provided in par. (c) 3. may be made part of the record.

(e) Unless objected to by the department, any summary of testimony of a witness for the person who requested the hearing shall be made part of the record in lieu of the testimony of that witness as an exception to the hearsay rule and shall be considered by the department for whatever probative value that testimony has in making its decision. Unless objected to by the person who requests the hearing, any summary of the testimony of a witness for the department shall be made part of the record in lieu of the testimony of such witness as an exception to the hearsay rule and shall be considered by the department for whatever probative value that testimony has in making its decision.

**History:** Cr. Register, February, 1984, No. 338, eff. 3-1-84; correction in (1) (a) and (3) (d) made under s. 13.93 (2m) (b) 7, Stats., Register, January, 1995, No. 469.

**ILHR 1.14 Decision.** (1) **REVIEW OF COMMENTS.** After expiration of the comment period on the FEIS and following any contested case hearing on the adequacy of the FEIS, the department shall carefully review, summarize and weigh the comments received on the FEIS and on the proposed action and the decision following any contested case hearing before making a decision on the action.

(2) **RECORD OF DECISION.** After carefully reviewing the comments of interested parties on the FEIS, the department shall enter a final decision in writing on the proposed action, which shall be a clear, concise and public statement which discloses and explains the decision, identifies the alternatives considered in reaching it and the alternative or alternatives considered environmentally preferable, and states whether all practicable means to avoid or minimize environmental harm have been adopted and, if not, why not. The final draft of the EIS issued by the department, and the record of decision, are intended to satisfy the decision requirement of s. 227.47, Stats.

**History:** Cr. Register, February, 1984, No. 338, eff. 3-1-84; correction in (2) made under s. 13.93 (2m) (b) 7, Stats., Register, January, 1995, No. 469.

**ILHR 1.15 Supplements.** If it happens that after an FEIS has been prepared, the public comment period has ended, and a decision has been made on the proposed action, but before implementation of the action has proceeded very far, the department substantially changes the proposed action in environmentally significant ways or if significant new circumstances arise or information is developed relevant to environmental concerns and having a bearing on the proposed action or its impacts, the department shall prepare a supplement to the FEIS which shall be distributed and reviewed in the same manner as the FEIS as specified in s. ILHR 1.12.

**History:** Cr. Register, February, 1984, No. 338, eff. 3-1-84.

**ILHR 1.16 Responsibilities.** (1) **OFFICE OF THE WEPA COORDINATOR.** (a) The department shall have one office in Madison that other agencies and the public may contact to find out about department procedures implementing WEPA and progress being made in preparation of particular WEPA documents, and to obtain copies of environmen-

tal impact statements, environmental assessment reports, the department's action typelist, the department's administrative rules for WEPA implementation, and the final written decision of the department on particular proposed actions for which an environmental impact statement was prepared.

(b) The single office of the department for WEPA-related matters shall:

1. Maintain this chapter of administrative rules;
2. Arrange for department review and comment, if appropriate, on the environmental impact statements of other agencies;
3. Suggest and approve formats and forms for divisions to use in carrying out their responsibilities under sub. (2);
4. Train, keep updated, and advise appropriate division staff, including managers, about WEPA requirements and department procedures for implementation of WEPA;
5. At the request of the department secretary, review for adequacy or coordinate review for adequacy of any division-proposed environmental assessment report or environmental impact statement; and

6. Ensure that copies of this chapter are maintained for public review at each of the department's regional offices and institutions.

(2) DIVISIONS. Responsibilities of divisions of the department in the EIS process are:

- (a) To decide what actions fall under this chapter;
- (b) To determine what actions under s. ILHR 1.06 require the preparation of an EA or EIS;
- (c) To conduct environmental assessments, and to prepare and distribute environmental assessment reports;
- (d) To recommend preparation of environmental impact statements;
- (e) To prepare or arrange for preparation of environmental impact statements;
- (f) To give notice and conduct informational hearings on draft and final environmental impact statements; and
- (g) To provide for public input into the decision-making and review process.

History: Cr. Register, February, 1984, No. 333, eff. 3-1-84.