

Clearinghouse Rule 95-185

95-185



State of Wisconsin | DEPARTMENT OF NATURAL RESOURCES

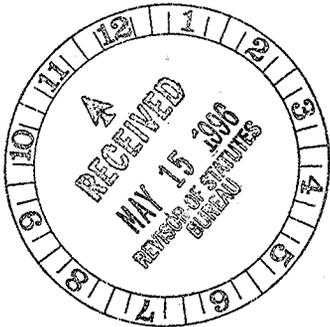
Tommy G. Thompson, Governor
George E. Meyer, Secretary

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STATE OF WISCONSIN)
)
DEPARTMENT OF NATURAL RESOURCES) ss

TO ALL TO WHOM THESE PRESENTS SHALL COME, GREETINGS:

I, George E. Meyer, Secretary of the Department of Natural Resources and custodian of the official records of said Department, do hereby certify that the annexed copy of Natural Resources Board Order No. LC-47-95 was duly approved and adopted by this Department on March 27, 1996. I further certify that said copy has been compared by me with the original on file in this Department and that the same is a true copy thereof, and of the whole of such original.



IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the official seal of the Department at the Natural Resources Building in the City of Madison, this 13th day of May, 1996.

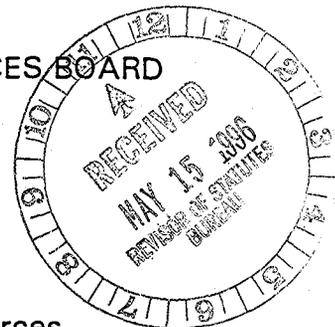
George E. Meyer
George E. Meyer, Secretary

(SEAL)



ORDER OF THE STATE OF WISCONSIN NATURAL RESOURCES BOARD
CREATING RULES

The Wisconsin Natural Resources Board proposes an order to create NR 1.52 relating to a policy on promulgation of environmental quality standards. LC-47-95



Analysis Prepared by the Department of Natural Resources

Statutory authority: ss. 29.29(4), 144.025(2)(b), 144.31(1)(a), 144.375, 144.431(1)(a), 144.435(1), 144.62(2)(b)3 and (c), 159.03(1)(a), 162.01 and 227.11(2), Stats.

Statutes interpreted: ss. 144.025(1) and (2)(i), 144.31(1)(e) and (f), 144.60(2), 144.76, 147.04(5) and 162.03, Stats.

The Department of Natural Resources currently has broad regulatory authority in programs such as air management, wastewater management, water resources management, solid and hazardous waste management, and water supply. Implementation of those programs often involves the adoption of environmental quality standards. The proposed rule would establish a Natural Resources Board policy on the following: (1) information to be given to the Board whenever the Department seeks to adopt a rule; (2) information to be given to the Board whenever, under a federally delegated program, the Department seeks to adopt an environmental quality standard more restrictive than a standard provided under corresponding federal law or regulations; (3) information to be given to the Board whenever, under a federally delegated program, a corresponding federal standard is relaxed by promulgation of a more lenient standard in federal law or regulations.

SECTION 1. NR 1.52 is created to read:

NR 1.52 POLICY ON PROMULGATION OF ENVIRONMENTAL QUALITY STANDARDS. (1) DEFINITIONS. As used in this section, "environmental quality standard" means a regulatory measure needed to prevent or reduce environmental pollution as that term is defined in s. 144.01(3), Stats.

(2) INFORMATION SUBMITTED TO BOARD. Whenever the department seeks to adopt a rule, the department shall provide the board with information regarding the following: the authority for the rule; the conformity of the rule with the requirements of federal or state statutes or controlling judicial decisions; and the need for the rule.

(3) ADOPTION OF ENVIRONMENTAL QUALITY STANDARD MORE RESTRICTIVE THAN CORRESPONDING FEDERAL LAW OR REGULATIONS. For environmental programs subject to a delegation of authority by the U.S. environmental protection agency, whenever the department seeks to adopt an

environmental quality standard more restrictive than a standard provided under corresponding federal law or regulations, the department shall advise the board why the more restrictive standard is needed in Wisconsin to protect public health, safety or the environment. For the purposes of this subsection, any environmental quality standard is not considered more restrictive than a standard provided under corresponding federal law or regulations if the federal government has not enacted a law or regulation establishing a corresponding standard. This subsection is prospective in application; no environmental quality standards adopted prior to the effective date of this rule ... [revisor insert date] are affected except under the circumstances described in sub. (4).

(4) FEDERAL STANDARD RELAXED. If the department has adopted an environmental quality standard which has a corresponding standard adopted under federal law or regulations, and after the effective date of this rule ... [revisor insert date] that corresponding federal standard is relaxed by promulgation of a more lenient standard in federal law or regulations, the department shall within 120 days of the federal action notify the board and propose a schedule for the department to advise the board whether the current state standard is needed in Wisconsin to protect public health, safety or the environment.

The foregoing rule was approved and adopted by the State of Wisconsin Natural Resources Board on March 27, 1996.

The rule shall take effect on the first day of the month following publication in the Wisconsin administrative register as provided in s. 227.22(2)(intro.), Stats.

Dated at Madison, Wisconsin May 13, 1996

STATE OF WISCONSIN
DEPARTMENT OF NATURAL RESOURCES

By George E. Meyer
George E. Meyer, Secretary

(SEAL)



State of Wisconsin \ DEPARTMENT OF NATURAL RESOURCES

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May 13, 1996

Mr. Gary L. Poulson
Assistant Revisor of Statutes
131 West Wilson Street - Suite 800
Madison, WI



Dear Mr. Poulson:

Enclosed are two copies, including one certified copy, of State of Wisconsin Natural Resources Board Order No. LC-47-95. These rules were reviewed by the Assembly Committee on Natural Resources and the Senate Committee on Environment and Energy pursuant to s. 227.19, Stats. Summaries of the final regulatory flexibility analysis and comments of the legislative review committees are also enclosed.

You will note that this order takes effect following publication. Kindly publish it in the Administrative Code accordingly.

Sincerely,

George
George E. Meyer
Secretary

Enc.