State of Wisconsin \ DEPARTMENT OF NATURAL RESOURCES
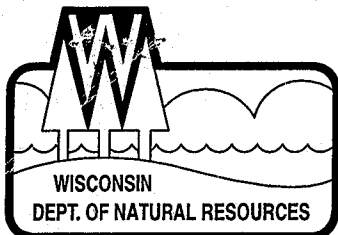
Tommy G. Thompson, Governor
George E. Meyer, Secretary
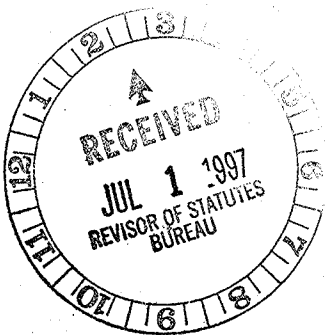
Box 7921
101 South Webster Street
Madison, Wisconsin 53707-7921
TELEPHONE 608-266-2621
FAX 608-267-3579
TDD 608-267-6897

STATE OF WISCONSIN   )

)   ss

DEPARTMENT OF NATURAL RESOURCES   )

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. SW-57-96 was duly approved and adopted by this Department on April 23, 1997. 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 _____ day of June, 1997.

George E. Meyer, Secretary

(SEAL)

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96-187

ORDER OF THE STATE OF WISCONSIN NATURAL RESOURCES BOARD
REPEALING RULES

The Wisconsin Natural Resources Board proposes an order to repeal NR 728.11(4) relating to the sunset of NR 728.11

SW-57-96

Analysis Prepared by the Department of Natural Resources

Statutory authority: ss. 292.11 and 227.11, Stats.
Statutes interpreted: s. 292.11, Stats.

Section 292.11, Stats., known as the Hazardous Substance Spills Law, provides that a person who possesses or controls a hazardous substance that is discharged, or who causes the discharge of the hazardous substance, must take the necessary actions to restore the environment to the extent practicable and minimize the harmful effects from the discharge to the air, land or waters of this state. This responsibility applies not only to a person who causes the discharge of a hazardous substance, but also to an owner of contaminated property where a hazardous substance is continuing to discharge to the environment.

Chapters NR 700 to 736, Wis. Adm. Code, establish the minimum standards for conducting an investigation and remediation of environmental contamination resulting from a discharge of a hazardous substance. Chapter NR 728 describes the tools which are available to the Department to enforce those chapters. Section 728.11 sets forth the process to be used by Department staff to record affidavits to give notice of the existence of contamination for a hazardous substance discharge. However, s. NR 728.11(4) contains a sunset date of March 1, 1997. Repeal of this subsection eliminates that sunset and extends this section indefinitely.

SECTION 1. NR 728.11(4) is repealed.

The foregoing rule was approved and adopted by the State of Wisconsin Natural Resources Board on April 23, 1997.

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.
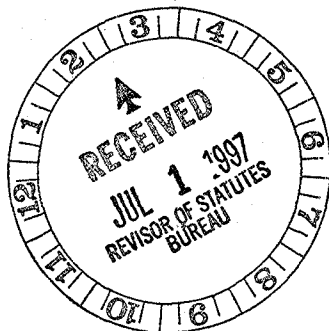
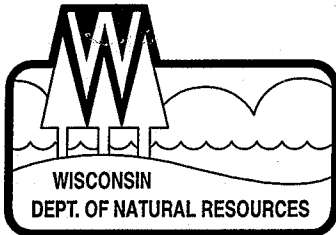Dated at Madison, Wisconsin _____June 18, 1997_____

STATE OF WISCONSIN
DEPARTMENT OF NATURAL RESOURCES

By _____George E. Meyer_____
George E. Meyer, Secretary

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REVISOR OF STATUTES BUREAU

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

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**WISCONSIN
DEPT. OF NATURAL RESOURCES**

June 17, 1997

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.SW-57-96. These rules were reviewed by the Assembly Committee on Natural Resources
and the Senate Committee on Agriculture and Environmental Resources 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 E. Meyer
Secretary

Enc.

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JUL 1 1997
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Through Excellent Customer Service*

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