

## Chapter NR 702

### CONTINGENCY PLANNING FOR HAZARDOUS SUBSTANCE DISCHARGE RESPONSE BY STATE AGENCIES

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**NR 702.01 Purpose.** The purpose of this chapter is to establish criteria and procedures for use by the department in developing, establishing and amending a contingency plan, that complements and is consistent with federal, state and local contingency plans. The department's contingency plan is intended to provide for efficient, coordinated and effective response to hazardous substance discharges which may pose an imminent threat to public health, safety or welfare or the environment, and to minimize harmful effects to the air, land and waters of the state. This chapter is adopted pursuant to ss. 227.11 (2) and 292.11, Stats.

**History:** Cr. Register, April, 1994, No. 460, eff. 5-1-94; correction made under s. 13.93 (2m) (b) 7., Stats., Register, January, 2001, No. 541.

**NR 702.02 Applicability.** This chapter applies to the department's development, establishment and amendment of a contingency plan for the undertaking of emergency immediate actions in response to the discharge of hazardous substances, as required by s. 292.11, Stats.

**History:** Cr. Register, April, 1994, No. 460, eff. 5-1-94; correction made under s. 13.93 (2m) (b) 7., Stats., Register, January, 2001, No. 541.

**NR 702.03 Definitions.** In this chapter, "incident command system" means an organized approach used to effectively control and manage operations at the scene of an emergency immediate action.

**History:** Cr. Register, April, 1994, No. 460, eff. 5-1-94.

**NR 702.05 Contingency plan development.** (1) The department shall develop and establish a contingency plan for responding to hazardous substance discharges that pose an imminent threat to public health, safety or welfare or the environment, after consulting with local government, federal agencies and other state agencies which may be involved in an emergency immediate action within the state of Wisconsin. The contingency plan shall be developed to be consistent with the overall state emergency operations plan maintained by the division of emergency government. The department's contingency plan shall include all of the following:

- (a) Personnel protection measures.
- (b) Site investigation and documentation procedures.
- (c) Hazardous substance identification procedures.
- (d) Procedures for management of hazardous substances.
- (e) Duties and responsibilities of other state departments and agencies.
- (f) Procedures for restoration of affected lands or waters.

(2) The department may enter into memoranda of understanding with other state agencies or federal or local government agencies, for the purpose of defining roles and responsibilities for hazardous substance discharges that require an emergency immediate action.

**History:** Cr. Register, April, 1994, No. 460, eff. 5-1-94.

**NR 702.07 Contingency plan amendment and review.** The contingency plan shall be amended by the department when necessary to improve emergency immediate actions in response to a hazardous substance discharge, after consultation with other affected agencies. At a minimum, the contingency plan shall be reviewed by the department at least every 4 years. The department shall maintain records of emergency actions and non-emergency immediate actions taken by the department in response to hazardous substance discharges and these records shall be taken into account when reviewing the contingency plan.

**History:** Cr. Register, April, 1994, No. 460, eff. 5-1-94.

**NR 702.09 Contingency plan criteria.** The department shall consider all of the following criteria when developing the contingency plan:

(1) At the scene of a hazardous substance discharge, there may be response personnel from several different agencies, with each agency having its own specific responsibilities, authorities and capabilities. In these cases, primary decision-making authority shall rest with the agency having specific authority to deal with the concern of highest priority as ranked in this subsection. All other agencies' roles and activities shall be subordinated until the concern of highest priority is addressed. Subsequent activity then progresses to the agency having authority and the capability to deal with the next most immediate concern. When it is possible to cooperatively address more than one concern at the same time, actions shall be taken simultaneously. In every stage of decision making, the consequence of each decision on the subsequent response activities shall be weighed, and detrimental consequences minimized. Concerns shall be prioritized according to the following ranking:

- (a) Rescue and treatment of injured humans.
- (b) Prevention of injury to humans.
- (c) Protection of potable water supplies.
- (d) Protection of the air, lands or waters of the state.
- (e) Prevention and minimization of damage to human dwellings.
- (f) Protection of agricultural products and domestic animals used for foods.
- (g) Preservation of all indigenous animal and plant species and the quality of habitats of those species.
- (h) Re-establishment of transportation usage.

(2) When deemed appropriate to effectively coordinate all actions at the scene of a hazardous substance discharge, an incident command system shall be implemented.

**History:** Cr. Register, April, 1994, No. 460, eff. 5-1-94.