

selection of a disposal site. Approval for proper disposal of hazardous substances shall be obtained through the department.

(5) **RESTORATION OF THE ENVIRONMENT.** Restoration of the environment includes those actions necessary to return the environment as nearly as possible to its original condition before the hazardous substance discharge occurred. Such actions may include, but are not limited to, the replacement or removal of injured plant and animal life and contaminated soils.

(6) **SPECIAL CONSIDERATIONS.** (a) *Safety of personnel.* Many of the substances involved in incidents are of a toxic nature and pose an imminent threat to life. Therefore, any person, whether civilian or governmental, should exercise caution when entering the affected area until the substance has been identified and proper protection against the dangers has been taken.

(b) *Wildlife conservation.* Though the preservation of wildlife will not always be the most immediate need, whenever possible this factor shall be considered in developing and implementing any response actions.

History: Cr. Register, May, 1980, No. 293, eff. 6-1-80.

**NR 158.05 Discharger responsibilities.** (1) **DISCOVERY AND NOTIFICATION REQUIREMENTS.** The discharger of a hazardous substance shall immediately notify the department or the designated statewide 24-hour emergency number provided by the division of emergency government, unless the discharge is specifically exempted under s. 144.76 (9), Stats. The information provided should include as many of the details outlined in NR 158.04 (2) (a) as are available.

(2) **CONTAINMENT, CLEANUP, DISPOSAL AND RESTORATION.** The discharger shall immediately initiate actions necessary to halt the discharge and to restore the environment to the extent practicable and shall minimize the harmful effects from any discharge to the air, lands or waters of the state. These actions may include, but are not limited to, containment, cleanup, storage, transportation, disposal, restoration or replacement of plants and wildlife and testing of the affected area. The discharger shall keep the department informed and shall secure necessary written approvals from the department for specific actions when such approvals are required by law.

(3) Microbiological and radiological samples shall be analyzed by the state laboratory of hygiene or a laboratory approved or certified by the department of health and social services. Other laboratory test results submitted to the department under this chapter shall be performed by a laboratory certified or registered under ch. NR 149. The following tests are excluded from this requirement:

- (a) Physical tests of soil,
- (b) Physical tests of waste,
- (c) Air quality tests,
- (d) pH,
- (e) Chlorine,
- (f) Temperature,

## (g) Dissolved oxygen.

Note: The requirement in this section to submit data from a certified or registered laboratory is effective on August 28, 1986.

History: Cr. Register, May, 1980, No. 293, eff. 6-1-80; cr. (3), Register, April, 1986, No. 364, eff. 8-28-86.

**NR 158.06 State and local agencies roles and responsibilities.** (1) The department of local affairs and development's division of emergency government shall:

(a) Prepare to deal with a hazardous substance discharge in the following manner:

1. Provide a 24-hour toll-free or collect telephone number at which notice of any discharge may be received;
2. Maintain lists of state emergency response personnel;
3. Designate a representative to work with the department to review, evaluate and recommend changes to improve the effectiveness of the contingency plan.

(b) When the discharge of a hazardous substance occurs:

1. Upon receiving notice of a hazardous substance discharge the division of emergency government shall attempt to secure as much of the information outlined in NR 158.04 (2) (a) as is available and notify federal, state and local agencies who have the authority to deal with the discharge as follows:

a. Immediately notify the department of any hazardous substance discharge notification received,

b. Immediately alert the national response center of any hazardous substances discharge notification received,

c. Promptly notify the department of agriculture, trade and consumer protection of discharges injuring crops, food, commercial feed, agricultural products or involving any agricultural chemicals such as pesticides, fertilizers or animal drugs.

d. Promptly notify the department of health and social services of discharges of radiation or discharges which may affect human health.

e. Promptly notify the department of labor, industry and human relations of discharges from flammable liquids storage facilities or discharges of anhydrous ammonia, explosives or LP gas.

f. Promptly notify the department of transportation of discharges of hazardous substances associated with the transportation systems including shipping, railroads, highways and pipelines.

g. Promptly notify police or fire departments responsible for the geographic area where the discharge occurs.

2. The division of emergency government shall support containment, cleanup and disposal activities necessary for responding to hazardous substance discharge by providing the following services:

a. Act as a central communications center and provide use of the mobile command center when necessary;

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b. Direct inquiries concerning handling and disposal of hazardous substances to the department.

3. The division of emergency government shall be responsible for providing the following written reports and documentation:

a. Maintain a log of all discharge notices received,

b. Forward confirming written documentation to the department of all discharge notices received, including the agencies notified in each case, no later than the following working day after notice was received,

c. Compile an annual summary of all incidents handled for the preceding calendar year and provide a copy to the department.

2. The department of natural resources shall:

(a) Prepare to deal with a hazardous substance discharge in the following manner:

1. Provide the division of emergency government with a list of department personnel with telephone or radio call numbers who should be called by the division of emergency government when it receives notice

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