

Chapter NR 663

HAZARDOUS WASTE TRANSPORTER STANDARDS

**Subchapter A — General**

- NR 663.10 Scope.
- NR 663.11 EPA identification number.
- NR 663.12 Transfer facility requirements.
- NR 663.13 Hazardous waste transportation licenses.

**Subchapter B — Compliance with the Manifest System and Recordkeeping**

- NR 663.20 The manifest system.

- NR 663.21 Compliance with the manifest.
- NR 663.22 Recordkeeping.
- NR 663.25 Electronic manifest signatures.

**Subchapter C — Hazardous Waste Discharges**

- NR 663.30 Immediate action.
- NR 663.31 Discharge clean up.

**Subchapter A — General**

**Note:** Chapter NR 662 and this chapter establish the responsibilities of generators and transporters of hazardous waste in the handling, transportation and management of that waste. In these rules, the department has expressly referenced certain regulations of the U.S. department of transportation (DOT) governing the transportation of hazardous materials. These rules concern, among other things, labeling, marking, placarding, using proper containers and reporting discharges. The department has expressly referenced these rules in order to satisfy its statutory obligation to promulgate rules that are necessary to protect human health and the environment in the transportation of hazardous waste. The department’s reference to these DOT regulations ensures consistency with the requirements of DOT and thus avoids the establishment of duplicative or conflicting requirements with respect to these matters.

DOT has revised its hazardous materials transportation regulations in order to encompass the transportation of hazardous waste and to regulate intrastate, as well as interstate, transportation of hazardous waste. Transporters of hazardous waste are cautioned that DOT’s regulations are fully applicable to their activities and enforceable by DOT. These DOT regulations are codified in 49 CFR, Subtitle B, Chapter I, Subchapter C.

**NR 663.10 Scope. (1)** This chapter establishes standards which apply to persons transporting hazardous waste within Wisconsin if the transportation requires a manifest under ch. NR 662 or subch. HH of ch. NR 666.

**(2)** This chapter does not apply to on-site transportation of hazardous waste by generators or by owners or operators of licensed hazardous waste management facilities.

**(3)** A transporter of hazardous waste shall also comply with ch. NR 662, hazardous waste generator standards, if the transporter does any of the following:

- (a) Transports hazardous waste into Wisconsin from abroad.
- (b) Mixes hazardous wastes of different DOT shipping descriptions by placing them into a single container.

**(4)** A transporter of hazardous waste that is being imported from or exported to any other country for purposes of recovery or disposal is subject to this subchapter and to all other relevant requirements under subch. H of ch. NR 662, including ss. NR 662.083 (4) and 662.084 (4) for movement documents.

**(5)** This chapter does not apply to transportation during an explosives or munitions emergency response, conducted according to ss. NR 664.0001 (7) (h) 1. d. or 4. or 665.0001 (3) (k) 1. d. or 4., and 670.001 (3) (c) 1. d. or 3.

**(6)** Section NR 666.203 identifies how the requirements of this chapter apply to military munitions classified as solid waste under s. NR 666.202.

**History:** CR 05-032: cr. Register July 2006 No. 607, eff. 8-1-06; CR 16-007: am. (1), (4) Register July 2017 No. 739, eff. 8-1-17; CR 19-082: r. and recr. (4) Register August 2020 No. 776, eff. 9-1-20.

**NR 663.11 EPA identification number. (1)** A transporter may not transport hazardous wastes without having received an EPA identification number from the department, another authorized state or EPA.

**(2)** A transporter who has not received an EPA identification number may obtain one by applying to the department using EPA form 8700-12. Upon receiving the request, the department will assign an EPA identification number to the transporter.

**Note:** See s. NR 660.07 for information on obtaining EPA form 8700-12.  
**History:** CR 05-032: cr. Register July 2006 No. 607, eff. 8-1-06.

**NR 663.12 Transfer facility requirements. (1)** A transporter who stores manifested shipments of hazardous waste in containers meeting the independent requirements under s. NR 662.030 of this chapter at a transfer facility for a period of 10 days or less is not subject to regulation under chs. NR 664, 665, 667, 668, and 670 with respect to the storage of those wastes.

**(2)** When consolidating the contents of 2 or more containers with the same hazardous waste into a new container, or when combining and consolidating 2 different hazardous wastes that are compatible with each other, the transporter shall mark its containers of 119 gallons or less with all of the following information:

- (a) The words “Hazardous Waste.”
- (b) The applicable EPA hazardous waste number, or EPA hazardous waste code, listed in subchs. C and D of ch. NR 661, or in compliance with s. NR 662.032 (3).

**History:** CR 05-032: cr. Register July 2006 No. 607, eff. 8-1-06; CR 19-082: renum. NR 663.12 to NR 663.12 (1) and am., cr. (2) Register August 2020 No. 776, eff. 9-1-20; correction in (2) (b) made under s. 35.17, Stats., Register August 2020 No. 776.

**NR 663.13 Hazardous waste transportation licenses. (1)** (a) An application for a hazardous waste transportation license shall be submitted on forms supplied by the department and shall be accompanied by the fee specified in ch. NR 670 Appendix II.

**Note:** These forms may be obtained from the department by E-mail: waste.management@dnr.state.wi.us, phone (608) 266-2111 or Fax (608) 267-2768.

**(b)** Each location at which a person transporting hazardous waste bases transport vehicles shall be licensed as a separate transportation service. An application form and fee for each transportation service shall be submitted to the regional office of the department in the region where the transportation service is located. A person who transports hazardous waste into or through Wisconsin, but whose operation is based out-of-state, shall submit an application form and fee for a transportation license in the region where the hazardous waste transportation activity is concentrated.

**(c)** The department shall notify the applicant that the application for a hazardous waste transportation license has been approved or denied within 65 business days after the application is received by the department.

**(d)** The owner or operator of a transportation service who has been issued a license shall renew the license annually by submitting both of the following to the department:

- 1. A completed license renewal form, by the date specified on the renewal form.
- 2. The fee listed on the environmental fee statement, by the date specified on the fee statement.

**(e)** The owner or operator of a transportation service who fails to renew the license according to par. (d) shall pay a late processing fee of \$150 in addition to the license fee.

(f) The license application shall be signed by the owner of the transportation service. If the transportation service is owned by one person and operated by another, both the owner or operator shall sign the application.

(g) If the department fails to approve or deny an application for issuance or renewal of a hazardous waste transportation license within 65 business days after a complete application is received by the department or by the date of expiration of the current license, whichever occurs later, the department shall refund the fees paid by the applicant for the transportation license.

(h) If there is a change in the ownership of the transportation service, the new owner or operator shall reapply for a license by submitting the license application form required by par. (a).

**Note:** The department will mail the annual license renewal form and environmental fee statement to the owners or operators of licensed transportation facilities.

**Note:** The license application is considered to be complete when the environmental fee and the completed and signed license application or renewal form are received by the department.

**History:** CR 05-032; cr. Register July 2006 No. 607, eff. 8-1-06; correction in (1) (a) made under s. 13.92 (4) (b) 7., Stats., Register March 2013 No. 687.

### Subchapter B — Compliance with the Manifest System and Recordkeeping

**NR 663.20 The manifest system.** (1) (a) *Manifest requirements.* A transporter may not accept hazardous waste from a generator unless the transporter is also provided with a manifest form, EPA form 8700-22, and if necessary, EPA form 8700-22A, signed in accordance with the requirements of s. NR 662.023, or is provided with an electronic manifest that is obtained, completed, and transmitted in accordance with s. NR 662.020 (1) (c) and signed with a valid and enforceable electronic signature as described in s. NR 662.025.

(b) *Exports.* For exports of hazardous waste subject to the requirements under subch. H of ch. NR 662, a transporter may not accept hazardous waste without a manifest signed by the generator in accordance with this section, as appropriate, and for exports occurring under the terms of a consent issued by EPA on or after December 31, 2016, a movement document that includes all information required under s. NR 662.083 (4).

(c) *Compliance date for form revisions.* The revised manifest form and procedures specified in ss. NR 661.0007, 660.10, 663.20, and 663.21 had an effective date of September 5, 2006. The manifest form and procedures in ss. NR 661.0007, 660.10, 663.20, and 663.21, contained in the chs. NR 660 to 665 edition revised as of July 1, 2004, were applicable until September 5, 2006.

(d) *Use of electronic manifest — legal equivalence to paper forms for participating transporters.* An electronic manifest that is obtained, completed, and transmitted in accordance with s. NR 662.020 (1) (c), and used in accordance with this section in lieu of EPA Forms 8700-22 and 8700-22A, is the legal equivalent of a paper manifest form bearing handwritten signatures, and satisfies for all purposes any requirement to obtain, complete, sign, carry, provide, give, use, or retain a manifest.

1. Any requirement to sign a manifest or manifest certification by hand, or to obtain a handwritten signature, is satisfied by signing with or obtaining a valid and enforceable electronic signature within the meaning specified in 40 CFR 262.25 and s. NR 662.025 (1).

2. Any requirement to give, provide, send, forward, or return to another person a copy of the manifest is satisfied when a copy of an electronic manifest is transmitted to the other person by submission to the electronic manifest system.

3. Any requirement of a manifest to accompany a hazardous waste shipment is satisfied when a copy of an electronic manifest is accessible during transportation and forwarded to the person or persons who are scheduled to receive delivery of the waste shipment, except that to the extent that the hazardous materials regula-

tion on shipping papers for carriage by public highway requires transporters of hazardous materials to carry a paper document to comply with 49 CFR 177.817, a hazardous waste transporter shall carry one printed copy of the electronic manifest on the transport vehicle.

4. Any requirement for a transporter to keep or retain a copy of a manifest is satisfied by the retention of an electronic manifest in the transporter's account on the e-manifest system, provided that the copies are readily available for viewing and production if requested by the department.

5. No transporter may be held liable for the inability to produce an electronic manifest for inspection under this section if that transporter can demonstrate that the inability to produce the electronic manifest is exclusively due to a technical difficulty with the EPA system for which the transporter bears no responsibility.

(e) *Accessing the electronic manifest system.* A transporter may participate in the electronic manifest system either by accessing the electronic manifest system from the transporter's own electronic equipment, or by accessing the electronic manifest system from the equipment provided by a participating generator, by another transporter, or by a designated facility.

(f) *Special procedures when electronic manifest is not available.* If, after a manifest has been originated electronically and signed electronically by the initial transporter, the electronic manifest system becomes unavailable for any reason, then all of the following requirements shall be met:

1. The transporter in possession of the hazardous waste when the electronic manifest becomes unavailable shall reproduce sufficient copies of the printed manifest that is carried on the transport vehicle under par. (d) 3., or obtain and complete another paper manifest for this purpose. The transporter shall reproduce sufficient copies to provide the transporter and all subsequent waste handlers with a copy for their files, plus 2 additional copies that will be delivered to the designated facility with the hazardous waste.

2. On each printed copy, the transporter shall include a notation in the special handling and additional description space, item 14, that the paper manifest is a replacement manifest for a manifest originated in the electronic manifest system. The transporter shall include, if not pre-printed on the replacement manifest, the manifest tracking number of the electronic manifest that is replaced by the paper manifest, and shall also include a brief explanation why the electronic manifest was not available for completing the tracking of the shipment electronically.

3. A transporter signing a replacement manifest to acknowledge receipt of the hazardous waste shall ensure that each paper copy is individually signed and that a legible handwritten signature appears on each copy.

4. From the point at which the electronic manifest is no longer available for tracking the waste shipment, the paper replacement manifest copies shall be carried, signed, retained as records, and given to a subsequent transporter or to the designated facility, following the instructions, procedures, and requirements that apply to the use of all other paper manifests.

(g) *Special procedures for electronic signature methods undergoing tests.* If a transporter using an electronic manifest signs this manifest electronically using an electronic signature method that is undergoing pilot or demonstration tests aimed at demonstrating the practicality or legal dependability of the signature method, then the transporter shall sign the electronic manifest electronically and also sign with an ink signature the transporter acknowledgement of receipt of materials on the printed copy of the manifest that is carried on the vehicle in accordance with par. (d) 3. This printed copy bearing the generator's and transporter's ink signatures shall also be presented by the transporter to the designated facility to sign in ink to indicate the receipt of the waste materials or to indicate discrepancies. After the owner or operator of the designated facility has signed this printed manifest copy

with its ink signature, the printed manifest copy shall be delivered to the designated facility with the waste materials.

(i) *Post–receipt manifest data corrections.* After a facility has certified to the receipt of hazardous wastes by signing item 20 of the manifest, any post–receipt data corrections may be submitted at any time by any interested person, for example the waste handler, named on the manifest. A transporter may participate electronically in the post–receipt data corrections process by following the process described in s. NR 664.0071 (12), which applies to corrections made to either paper or electronic manifest records.

(2) Before transporting the hazardous waste, the transporter shall sign and date the manifest acknowledging acceptance of the hazardous waste from the generator. The transporter shall return a signed copy to the generator before leaving the generator's property.

(3) The transporter shall ensure that the manifest accompanies the hazardous waste. In the case of exports occurring under the terms of a consent issued by EPA to the exporter on or after December 31, 2016, the transporter shall ensure that a movement document that includes all information required under s. NR 662.083 (4) also accompanies the hazardous waste. In the case of imports occurring under the terms of a consent issued by EPA to the country of export or the importer on or after December 31, 2016, the transporter shall ensure that a movement document that includes all information required under s. NR 662.084 (4) also accompanies the hazardous waste.

(4) A transporter who delivers a hazardous waste to another transporter or to the designated facility shall do all of the following:

(a) Obtain the date of delivery and the handwritten signature of that transporter or of the owner or operator of the designated facility on the manifest.

(b) Retain one copy of the manifest in accordance with s. NR 663.22.

(c) Give the remaining copies of the manifest to the accepting transporter or designated facility.

(5) The requirements of subs. (3), (4) and (6) do not apply to water (bulk shipment) transporters if all of the following conditions are met:

(a) The hazardous waste is delivered by water (bulk shipment) to the designated facility.

(b) A shipping paper containing all the information required on the manifest (excluding the EPA identification numbers, generator certification, and signatures) and, for exports or imports occurring under the terms of a consent issued by EPA on or after December 31, 2016, a movement document that includes all information required under s. NR 662.083 (4) or 662.084 (4) accompanies the hazardous waste.

(c) The delivering transporter obtains the date of delivery and handwritten signature of the owner or operator of the designated facility on either the manifest or the shipping paper.

(d) The person delivering the hazardous waste to the initial water (bulk shipment) transporter obtains the date of delivery and signature of the water (bulk shipment) transporter on the manifest and forwards it to the designated facility.

(e) Each water (bulk shipment) transporter retains a copy of the shipping paper or manifest in accordance with s. NR 663.22.

(6) For shipments involving rail transportation, the requirements of subs. (3), (4) and (5) do not apply and all of the following requirements do apply:

(a) When accepting hazardous waste from a non–rail transporter, the initial rail transporter shall do all of the following:

1. Sign and date the manifest acknowledging acceptance of the hazardous waste.

2. Return a signed copy of the manifest to the non–rail transporter.

3. Forward at least 3 copies of the manifest to one of the following:

a. The next non–rail transporter, if any.

b. The designated facility, if the shipment is delivered to that facility by rail.

c. The last rail transporter designated to handle the waste in the United States.

4. Retain one copy of the manifest and rail shipping paper in accordance with s. NR 663.22.

(b) Rail transporters shall ensure that a shipping paper containing all the information required on the manifest (excluding the EPA identification numbers, generator certification, and signatures) and, for exports or imports occurring under the terms of a consent issued by EPA on or after December 31, 2016, a movement document that includes all information required under s. NR 662.083 (4) or 662.084 (4) accompanies the hazardous waste at all times.

**Note:** Intermediate rail transporters are not required to sign either the manifest, moving document, or shipping paper.

(c) When delivering hazardous waste to the designated facility, a rail transporter shall do all of the following:

1. Obtain the date of delivery and handwritten signature of the owner or operator of the designated facility on the manifest or the shipping paper (if the manifest has not been received by the facility).

2. Retain a copy of the manifest or signed shipping paper in accordance with s. NR 663.22.

(d) When delivering hazardous waste to a non–rail transporter a rail transporter shall do all of the following:

1. Obtain the date of delivery and the handwritten signature of the next non–rail transporter on the manifest.

2. Retain a copy of the manifest in accordance with s. NR 663.22.

(e) Before accepting hazardous waste from a rail transporter, a non–rail transporter shall sign and date the manifest and provide a copy to the rail transporter.

(7) Transporters who transport hazardous waste out of the United States shall do all of the following:

(a) Sign and date the manifest in the international shipments block to indicate the date that the shipment left the United States.

(b) Retain one copy in accordance with s. NR 663.22 (4).

(c) Return a signed copy of the manifest to the generator.

(d) For paper manifests only, do all of the following:

1. Send a copy of the manifest to the e–manifest system in accordance with the allowable methods specified in s. NR 664.0071 (1) (b) 5.

2. For shipments initiated prior to the AES filing compliance date, when instructed by the exporter to do so, give a copy of the manifest to a U.S. customs official at the point of departure from the United States.

(8) A transporter transporting hazardous waste from a small quantity generator need not comply with the requirements of this section or those of s. NR 663.22 provided that all of the following conditions are met:

(a) The waste is being transported pursuant to a reclamation agreement as provided for in s. NR 662.191.

(b) The transporter records, on a log or shipping paper, all of the following information for each shipment:

1. The name, address and U.S. EPA identification number of the generator of the waste.

2. The quantity of waste accepted.

3. All department of transportation required shipping information.

4. The date the waste is accepted.



(c) The transporter carries this record when transporting waste to the reclamation facility.

(d) The transporter retains these records for a period of at least 3 years after termination or expiration of the agreement.

**History:** CR 05-032: cr. Register July 2006 No. 607, eff. 8-1-06; CR 06-102: am. (1), (7) (a) and (b) Register March 2007 No. 615, eff. 4-1-07; CR 19-082: r. and recr. (1) (a), (b), cr. (1) (c) to (g), (i), r. and recr. (3), am. (5) (b), (6) (b), r. and recr. (7) (d) Register August 2020 No. 776, eff. 9-1-20; correction in (1) (a), (c) made under s. 35.17, Stats., Register August 2020 No. 776.

**NR 663.21 Compliance with the manifest.** (1) Except as provided in sub. (2), the transporter shall deliver the entire quantity of hazardous waste that the transporter has accepted from a generator or a transporter to one of the following:

- (a) The designated facility listed on the manifest.
- (b) The alternate designated facility, if the hazardous waste cannot be delivered to the designated facility because an emergency prevents delivery.
- (c) The next designated transporter.
- (d) The place outside the United States designated by the generator.

(2) (a) *Emergency condition.* If the hazardous waste cannot be delivered in accordance with s. NR 663.21 (1) (a), (b), or (d) because of an emergency condition other than rejection of the waste by the designated facility or alternate designated facility, then the transporter must contact the generator for further instructions and must revise the manifest according to the generator's instructions.

(b) *Transporters without agency authority.* If the hazardous waste is not delivered to the next designated transporter in accordance with sub. (1) (c), and the current transporter is without contractual authorization from the generator to act as the generator's agent with respect to transporter additions or substitutions, then the current transporter must contact the generator for further instructions prior to making any revisions to the transporter designations on the manifest. The current transporter may thereafter make the revisions if all of the following conditions are met:

1. The hazardous waste is not delivered in accordance with sub. (1) (c) because of an emergency condition.
2. The current transporter proposes to change the transporter designated on the manifest by the generator, or to add a new transporter during transportation, to respond to an emergency, or for purposes of transportation efficiency, convenience, or safety.
3. The generator authorizes the revision.

(c) *Transporters with agency authority.* If the hazardous waste is not delivered to the next designated transporter in accordance with sub. (1) (c) and the current transporter has authorization from the generator to act as the generator's agent, then the current transporter may change the transporter designated on the manifest, or add a new transporter, during transportation without the generator's prior, explicit approval, provided all of the following conditions are met:

1. The current transporter is authorized by a contractual provision that provides explicit agency authority for the transporter to make transporter changes on behalf of the generator.
2. The transporter enters in item 14 of each manifest on which a change is made, the following statement of its agency authority: "Contract retained by generator confers agency authority on initial transporter to add or substitute additional transporters on generator's behalf."
3. The change in designated transporters is necessary to respond to an emergency, or for purposes of transportation efficiency, convenience, or safety.

(d) *Generator liability.* The grant by a generator of authority to a transporter to act as the agent of the generator with respect to changes to transporter designations under par. (c) does not affect the generator's liability or responsibility for complying with any

applicable requirement under this chapter, or grant any additional authority to the transporter to act on behalf of the generator.

(3) If hazardous waste is rejected by the designated facility while the transporter is on the facility's premises, then the transporter must obtain one of the following:

(a) For a partial load rejection or for regulated quantities of container residues, a copy of the original manifest that includes the facility's date and signature, and the manifest tracking number of the new manifest that will accompany the shipment, and a description of the partial rejection or container residue in the discrepancy block of the original manifest. The transporter shall retain a copy of this manifest in accordance with s. NR 663.22, and give the remaining copies of the original manifest to the rejecting designated facility. If the transporter is forwarding the rejected part of the shipment or a regulated container residue to an alternate facility or returning it to the generator, the transporter must obtain a new manifest to accompany the shipment, and the new manifest shall include all of the information required in s. NR 664.0072 (5) (a) to (f) or (6) (a) to (f) or 665.0072 (5) (a) to (f) or (6) (a) to (f).

(b) For a full load rejection that will be taken back by the transporter, a copy of the original manifest that includes the rejecting facility's signature and date attesting to the rejection, the description of the rejection in the discrepancy block of the manifest, and the name, address, phone number, and identification number for the alternate facility or generator to whom the shipment must be delivered. The transporter shall retain a copy of the manifest in accordance with s. NR 663.22, and give a copy of the manifest containing this information to the rejecting designated facility. If the original manifest is not used, then the transporter must obtain a new manifest for the shipment and comply with s. NR 664.0072 (5) (a) to (f) or 665.0072 (5) (a) to (f).

**History:** CR 05-032: cr. Register July 2006 No. 607, eff. 8-1-06; CR 06-102: am. (2) Register March 2007 No. 615, eff. 4-1-07; CR 19-082: am. (1) (intro.), (2) (a), r. and recr. (2) (b) (intro.), 1., 2., cr. (2) (b) 3., (c), (d), (3) Register August 2020 No. 776, eff. 9-1-20; correction in (2) (b) 1., (c), (3) (a), (b) made under s. 35.17, Stats., Register August 2020 No. 776.

**NR 663.22 Recordkeeping.** (1) A transporter of hazardous waste shall keep a copy of the manifest signed by the generator, the transporter and the next designated transporter or the owner or operator of the designated facility for a period of 3 years from the date the hazardous waste was accepted by the initial transporter.

(2) For shipments delivered to the designated facility by water (bulk shipment), each water (bulk shipment) transporter shall retain a copy of the shipping paper containing all of the information required in s. NR 663.20 (5) (b) for a period of 3 years from the date the hazardous waste was accepted by the initial transporter.

(3) For shipments of hazardous waste by rail within the United States, all of the following conditions shall be met:

(a) The initial rail transporter shall keep a copy of the manifest and shipping paper with all of the information required in s. NR 663.20 (6) (b) for a period of 3 years from the date the hazardous waste was accepted by the initial transporter.

(b) The final rail transporter shall keep a copy of the signed manifest (or the shipping paper if signed by the designated facility in lieu of the manifest) for a period of 3 years from the date the hazardous waste was accepted by the initial transporter.

**Note:** Intermediate rail transporters are not required to keep records pursuant to these rules.

(4) A transporter who transports hazardous waste out of the United States shall keep a copy of the manifest indicating that the hazardous waste left the United States for a period of 3 years from the date the hazardous waste was accepted by the initial transporter.

(5) The periods of retention referred to in this section are extended automatically during the course of any unresolved

enforcement action regarding the regulated activity or as requested by the department.

**History:** CR 05-032: cr. Register July 2006 No. 607, eff. 8-1-06.

**NR 663.25 Electronic manifest signatures.** Electronic manifest signatures shall meet the criteria described in 40 CFR 262.25 (a) and s. NR 662.025.

**History:** CR 19-082: cr. Register August 2020 No. 776, eff. 9-1-20.

**Subchapter C — Hazardous Waste Discharges**

**NR 663.30 Immediate action. (1)** In the event of a discharge of hazardous waste during transportation, the transporter shall take appropriate immediate action as required by ch. NR 708 to protect human health and the environment (e.g., notify local authorities, dike the discharge area).

**(2)** If a discharge of hazardous waste occurs during transportation and an official (state or local government or a federal agency) acting within the scope of that person’s official responsibilities determines that immediate removal of the waste is necessary to protect human health or the environment, that official may authorize the removal of the waste by transporters who do not have EPA identification numbers or transportation licenses and without the preparation of a manifest.

**(3)** An air, rail, highway or water transporter who has discharged hazardous waste shall do all of the following:

(a) Give notice, if required by 49 CFR 171.15, to the national response center.

(b) Report in writing as required by 49 CFR 171.16 to the Director, Office of Hazardous Materials Regulations, Materials Transportation Bureau, Department of Transportation, Washington, DC 20590.

(c) Give notice to the division of emergency management and comply with the requirements of s. 292.11, Stats., and ch. NR 706.

**(4)** A water (bulk shipment) transporter who has discharged hazardous waste shall give the same notice as required by 33 CFR 153.203 for oil and hazardous substances.

**Note:** The telephone number for the national response center is (800) 424-8802. The telephone number for the division of emergency management in Wisconsin is (800) 943-0003.

**History:** CR 05-032: cr. Register July 2006 No. 607, eff. 8-1-06.

**NR 663.31 Discharge clean up.** A transporter shall clean up any hazardous waste discharge that occurs during transportation or take action as may be required or approved by federal, state or local officials so that the hazardous waste discharge no longer presents a hazard to human health or the environment.

**History:** CR 05-032: cr. Register July 2006 No. 607, eff. 8-1-06.