DRAFT 10/15/2026

The statement of scope for this rule, SS 058-25, was approved by the Governor on August 21, 2025, published in Register No. 837A2 on September 8, 2025, and approved by the Natural Resources Board on December 10, 2025. This rule was approved by the Governor on [insert date].

ORDER OF THE STATE OF WISCONSIN NATURAL RESOURCES BOARD REPEALING, AMENDING, REPEALING AND RECREATING AND CREATING RULES

The Wisconsin Natural Resources Board proposes an order to **repeal** NR 187, 662.010 (12) (Note 1) and (Note 2), and 666.508 (1) (b) 2. (Note); to **amend** NR 661.0004 (1) (y) 1. i. (Note), 6., and 11. d. and (5) (a), 661.0006 (3) (a), 661.0030 (4), 661.0143 (1) (g), 661.0151 (7) (b), 661.0411 (2), 661.1084 (10) (b) 2. and 3., 661.1089 (1), 662.001 (1), 662.010 (1) (b), 662.014 (1) (c) and (d) (intro.) and 1., 662.016 (intro.) and (2) (a) and (e), 662.017 (intro.) and (1) (b) and (h) 1. (intro.), a., and b., (2), (3) (title) and (intro.), (4), (5), and (6) (intro.), 662.200 (10), 664.1050 (2) (b), 665.0072 (1) (c), 665.0402 (2) (Note), 666.108 (3) (Note), 666.501 (3), 666.502 (title) and (4) (d), 666.504 (title), 666.505, 666.506 (title), (1) (b), and (2) (c) 3. and 4., 666.507 (2) to (4), 666.508 (1) (a) 3. c. and (b) 2., and 666.510 (1) (i) 1. c., (3) (d) 6., (e), (g) (intro.), and (i) 3. a. and b. 1); to **repeal and recreate** NR 661.0004 (1) (y) 7., 666.500 (1), and 666.501 (7) (g); and to **create** NR 662.010 (15), (Note 1), and (Note 2), 662.014 (1) (c) 3. to 7. and (d) 4. to 8., 662.017 (1) (h) 5. (Note), and 679.22 (3) (c), relating to technical corrections, clarifications, and minor modifications to hazardous waste regulations, and repeal of superseded NR 187 household hazardous waste grant program regulations.

WA-09-25
Technical corrections, clarifications, and minor modifications to hazardous waste regulations, and repeal of superseded NR 187 household hazardous waste grant program regulations

ANALYSIS PREPARED BY THE DEPARTMENT OF NATURAL RESOURCES

1. Statute Interpreted:

Sections 227.11 (2) (a), 227.14 (1m), 287.03, 289.05, 289.06, 289.24, 289.30, 289.41, 289.43, 289.46, and 289.67, Stats., ch. 291.05 and 291.07, Stats. and s. 299.53, Stats.

2. Statutory Authority:

Sections 227.11 (2) (a), 227.14 (1m), 227.29 (1), 287.03, 289.05, 289.06, 289.24, 289.30, 289.41, 289.46, and 289.67, 291.05, and 291.07, Stats.

3. Explanation of Agency Authority:

The proposed rules and revisions would replace and update current state rules that comprehensively regulate the generation, transportation, recycling, treatment, storage, and disposal of hazardous and universal wastes. As authorized by s. 227.14 (1m), Stats., the department plans to format the proposed rules in a manner equivalent to the code of federal

regulations published by the U.S. Environmental Protection Agency (EPA) under the federal Resource Conservation and Recovery Act (RCRA).

When the Wisconsin legislature passed the Hazardous Waste Management Act in 1977, it set out a declaration of policy in what is now s. 291.001, Stats., regarding hazardous waste management. It declared that hazardous wastes, when mismanaged, pose a substantial danger to the environment and public health and safety. To provide for proper management of hazardous waste within the state, the legislature called upon the department to develop and administer a regulatory program that met nine specific objectives, which has since been carried out through the administrative code.

Section 227.11 (2) (a), Stats., provides that a state agency "may promulgate rules interpreting the provisions of any statute enforced or administered by the agency, if the agency considers it necessary to effectuate the purpose of the statute," subject to certain restrictions.

Section 287.03 (1) (a), Stats., directs the department to promulgate rules to implement the Solid Waste Reduction, Recovery and Recycling program pursuant to ch. 287, Stats.

Sections 289.05 and 289.06, Stats., direct the department to promulgate rules establishing solid waste management standards. Pursuant to ss. 291.05 and 291.07, Stats., the department is required to promulgate rules for the implementation of the RCRA and the methods of treatment or disposal of particular hazardous wastes.

The legislature adopted a number of statutes setting out general and specific hazardous waste rulemaking authority. Section 291.05, Stats., for instance, requires the department to adopt by rule EPA's criteria for identifying the characteristics of hazardous waste, and to adopt EPA's lists of hazardous wastes and hazardous constituents, with limited exceptions. Rules governing hazardous waste transportation are also mandated, as are rules governing specific aspects of hazardous waste generation, treatment, storage, and disposal; corrective action; licensing, closure, and long-term care; and fees for license and plan review and approval.

Since hazardous wastes are a subset of solid wastes, rulemaking authority in various sections of ch. 289, Stats., is also relied upon by the department, in particular authority relating to hazardous waste facility location, design, construction, operation, maintenance, closure, long-term care, negotiation and arbitration, licensing, recycling, and financial responsibility requirements that are found in ss. 289.24, 289.30, 289.41, and 289.46, Stats.

Section 289.67, Stats. directs the department to impose environmental repair fees on generators and disposal facilities, and includes requirements for the collection, reporting, and amount of fees. It also addresses actions to be taken if a regulated entity fails to pay fees.

4. Related Statutes or Rules:

Chapters 287, 291, 292, and 299, Stats., and chs. NR 2, 187, 500 to 538, 660 to 679, and 700 to 754, Wis. Adm. Code. No other related rulemakings are in progress.

5. Plain Language Analysis:

The Wisconsin Department of Natural Resources (department) is authorized by EPA to manage a state program recognized as equivalent to the RCRA. In Wisconsin, this is the Hazardous Waste Management Program within the Waste and Materials Management Program. To

maintain program authorization, Wisconsin must have analogous regulations to the federal hazardous waste regulations found in 40 CFR 260 to 279. Wisconsin has promulgated these equivalent regulations in chs. NR 660 to 679, Wis. Adm. Code.

The purpose of this scope statement is to amend relevant portions of chs. NR 660 to 679, Wis. Adm. Code. The proposed rule's technical corrections, clarifications, minor modifications, and expanded definitions would ensure equivalency and consistency with federal regulations.

This rule includes additional corrections or clarifications that are independent of federal changes. Examples of the types of corrections being made in this rule include making minor clarifications or modifications and expanding definitions pertaining to used antifreeze and electronic nicotine delivery systems (ENDS).

The proposed rule will likely have a minimal impact on regulated classes of hazardous waste generators, transporters, universal waste handlers, used oil managers, ENDS retailers, and treatment, storage, and disposal facilities that are affected by technical corrections, clarifications, and modifications.

As part of the biennial review for the JCRAR, the department identified ch. NR 187, Wis. Adm. Code, as redundant and is required to address this rule pursuant to s. 227.29 (1), Stats. Repealing ch. NR 187, Wis. Adm. Code, will help alleviate confusion with regulations in effect in ch. ATCP 34, Wis. Adm. Code. Repeal of ch. NR 187, Wis. Adm. Code will likely not have any effect for the regulated community since this program is currently managed under DATCP.

6. Summary of, and Comparison with, Existing or Proposed Federal Statutes and Regulations:

The proposed rule's technical corrections, clarifications, minor modifications, and expanded definitions would ensure equivalency and consistency with federal regulations.

Wisconsin considers used antifreeze a used oil and is clarifying labeling requirements in line with federal used oil management regulations.

ENDS retailers are currently defined as healthcare facilities under state and federal regulations. Wisconsin will clarify that these retailers are not healthcare facilities but that they would have to manage ENDS the same as federal regulations.

As part of the biennial review for the JCRAR, the department identified ch. NR 187, Wis. Adm. Code, as redundant and is required to address this rule pursuant to s. 227.29 (1), Stats. Repealing ch. NR 187, Wis. Adm. Code, will help alleviate confusion with regulations in effect in ch. ATCP 34, Wis. Adm. Code. There is no federal equivalent to this grant program.

7. If Held, Summary of Comments Received During Preliminary Comment Period and at Public Hearing on the Statement of Scope:

The department held a virtual preliminary public hearing on the statement of scope on October 30, 2025, at 10:00 a.m. and 8 members of the public attended the hearing. No one registered in support or opposition to the Scope Statement. No attendees provided public testimony.

8. Comparison with Similar Rules in Adjacent States:

USEPA Regulations: Technical Corrections for the Hazardous Waste Generator Improvements Rule, the Hazardous Waste Pharmaceuticals Rule, and the Definition of Solid Waste Rule Promulgated August 9, 2023. Checklist 246:

- Illinois, Michigan, and Minnesota have not adopted this rule however, all states with hazardous waste programs are required to adopt the Hazardous and Solid Waste Amendments (HSWA) requirements.
- Iowa does not have a hazardous waste state program. USEPA Region 7 administers and enforces RCRA hazardous waste regulations.
- Technical corrections to s NR 666.505, Wis. Adm. Code is made pursuant to HSWA authority, so these portions went into effect in all states at the time of federal promulgation on December 7, 2023.
- In Illinois and Minnesota, used antifreeze is not considered a used oil. A proper waste determination must be made before disposal. In Michigan, used antifreeze can be managed as a universal waste.
- ENDS are regulated as pharmaceuticals in Michigan but are carved out of the definition as a healthcare facility and defines facilities that distribute or sell ENDS as ENDS retailers. Minnesota and Illinois require ENDS to be disposed of as pharmaceutical wastes, and may also be regulated under the Drug Enforcement Agency depending on what substances the ENDS contains.

USEPA Regulations: Hazardous Waste Generator Improvements Rule, the Hazardous Waste Pharmaceuticals Rule, and the Definition of Solid Waste Rule; Technical Corrections

Promulgated December 11, 2024. Checklist 249:

- Illinois, Michigan, and Illinois have not adopted this rule however, all states with hazardous waste programs are required to adopt the HSWA requirements.
- Iowa does not have a hazardous waste state program. USEPA Region 7 administers and enforces RCRA hazardous waste regulations.
- The technical correction to s. NR 662.016(2)(a), Wis. Adm. Code is made pursuant to HSWA authority and went in effect in all states at the federal promulgation date of February 10, 2025.
- The remainder of this rule is neither more nor less stringent than the current standards, however the EPA strongly encourages all states to adopt the technical corrections to avoid any confusion or misunderstanding by the regulated community and the public.

Repeal of superseded ch. NR 187 household hazardous waste grant program regulations.

- Illinois EPA provides financial support to five permanent collection locations and coordinates one-day household hazardous waste collections each year in the spring and fall.
- In Minnesota, the Governor’s Select Committee on Recycling and the Environment

(SCORE) and the Capital Assistance Program (CAP) under the Minnesota Pollution Control Agency (MPCA) provides grants across the state to help manage household hazardous waste programs.

- Michigan Act 451 of 1994 established a household hazardous waste grant program that "assists municipalities in projects that educate citizens as to methods of household hazardous waste reduction and disposal option, promote the safe handling of household hazardous waste, or dispose of household hazardous waste at a state or federally permitted or licensed hazardous waste treatment, storage, or disposal facility". This program is administered by the Department of Environment, Great Lakes, and Energy (EGLE). In addition, Michigan operates Clean Sweep programs with funding support provided through grants from the Michigan Department of Agriculture and Rural Development.
- Iowa Department of Natural Resources offers grants to Regional Collection Centers (RCCs) which are permanent collection facilities designed to assist households and conditionally exempt small quantity generator businesses with proper management and disposal of hazardous waste, provide a materials exchange (Swap Shop) for usable products, and work to educate Iowans in proper purchasing, use, storage and disposal of household hazardous materials. Grants are also available for Retailers Consumer Education Programs and Household Hazardous Materials Education. Local Waste Minimization Grants are also available. Toxic Cleanup Day grants are available for communities without an established RCC.

9. Summary of Factual Data and Analytical Methodologies Used and How Any Related Findings Support the Regulatory Approach Chosen:

The EPA directs states to comply with federal RCRA hazardous waste regulations, and Wisconsin state statutes direct the department to adopt and administer rules that are at least as stringent as the EPA's RCRA regulations. The rule would capture promulgated federal hazardous waste regulations within state administrative rules and would enable the department to retain EPA authorization to administer the federal hazardous waste program in Wisconsin.

In the federal registers (88 FR 54086 and 89 FR 99727) for the technical corrections rules, the EPA stated the rule will not have a significant economic impact on a substantial number of small entities because the rule relieves regulatory burden. The proposed rules will maintain consistency with federal rules and ensure RCRA program authorization through the EPA. These rules correct typographical errors, incorrect citations, and omissions and provide clarifications. Ten states have adopted the technical corrections in federal checklist 246 and six states have adopted the corrections in checklist 249.

Clarifications to definitions and regulations made by the department will not change how wastes are managed and the rules will still align with federal requirements.

The repeal of ch. NR 187 will lead to no change for small businesses since this rule is currently being managed by DATCP and is a grant program.

10. Analysis and Supporting Documents Used to Determine the Effect on Small Business or in Preparation of an Economic Impact Report:

In the federal registers (88 FR 54086 and 89 FR 99727) for the technical corrections rules, the EPA stated the rule will not have a significant economic impact on a substantial number of small

entities because the rule relieves regulatory burden. These rules correct typographical errors, incorrect citations, and omissions, and provide clarifications.

Clarifications made by the department will not affect current management standards.

The repeal of ch. NR 187 will lead to no change for small businesses since this rule is currently being managed by DATCP and is a grant program.

11. Effect on Small Business (initial regulatory flexibility analysis):

The proposed rule will have no impact on small businesses. The rules will be correcting spelling and grammatical errors and clarifying existing regulations. No new regulations are being created as a result of these corrections and clarifications.

The repeal of ch. NR 187 will have no economic impact on small businesses since the grant program in currently administered by DATCP.

12. Agency Contact Person:

Cathy Baerwald, Catherine.Baerwald@wisconsin.gov, (414) 333-6805

13. Place where comments are to be submitted and deadline for submission:

Written comments may be submitted at the public hearings, by regular mail, or email to:

> Cathy Baerwald
> Department of Natural Resources
> 1027 W. St. Paul Ave., Milwaukee, WI 53233-2641
>
> Catherine.Baerwald@wisconsin.gov; (414) 333-6805

Comments may be submitted to the department contact person listed above or to DNRAdministrativeRulesComments@wisconsin.gov until the deadline given in the upcoming notice of public hearing. The notice of public hearing and deadline for submitting comments will be published in the Wisconsin Administrative Register and on the department's Hearings and Meetings Calendar.

- Access the Wisconsin Administrative Register (https://docs.legis.wisconsin.gov/code/register).
- Access the department's Hearings and Meetings Calendar (https://dnr.wisconsin.gov/calendar).
- Submit comments through the Wisconsin Administrative Rules Website (https://docs.legis.wisconsin.gov/code/chr/active).

*[**Note for LRB:** Pursuant to s. 227.14 (1m), Stats., the department deviates from Wisconsin drafting style on several accounts to align with federal regulations.]*

RULE TEXT

SECTION 1. NR 187 is repealed.

SECTION 2. NR 661.0004 (1) (y) 1. i. (Note) and 6. are amended to read:

NR 661.0004 (1) (y) 1. i. **Note:** For the purposes of this paragraph, the terms "EPA ~~acknowledgement~~ acknowledgment of consent," "country of import," and "country of transit" are used as defined in s. NR 662.081 with the exception that the terms in this section refer to hazardous secondary material, rather than hazardous waste.

6. The export of hazardous secondary material under this paragraph is prohibited unless the ~~country of import consents to the intended export. When~~ hazardous secondary material generator receives from EPA an EPA acknowledgment of consent documenting the consent of the country of import ~~consents in writing~~ to the receipt of the hazardous secondary material~~,~~ ~~EPA will send an EPA acknowledgment of consent to the hazardous secondary material generator~~. Where the country of import objects to receipt of the hazardous secondary material or withdraws a prior consent, EPA will notify the hazardous secondary material generator in writing. EPA will also notify the hazardous secondary material generator of any responses from countries of transit.

SECTION 3. NR 661.0004 (1) (y) 7. is repealed and recreated to read:

NR 661.0004 (1) (y) 7. Prior to each shipment, the hazardous secondary material generator or a U.S. authorized agent shall do all of the following:

a. Submit Electronic Export Information, EEI, for each shipment to the Automated Export System, AES, or its successor system, under the International Trade Data System, ITDS, platform, under 15 CFR 30.4 (b).

b. Include in the EEI, along with the other information required under 15 CFR 30.6, the EPA license code, commodity classification code under 15 CFR 30.6 (a) (12), EPA consent number, country of ultimate destination under 15 CFR 30.6 (a) (5), date of export under 15 CFR 30.6 (a) (2), quantity of waste in shipment and units for reported quantity, if required reporting

units established by value for the reported commodity classification number are in units of weight or volume under 15 CFR 30.6 (a) (15), and EPA net quantity reported in units of kilograms, if required reporting units established by value for the reported commodity classification number are not in units of weight or volume.

SECTION 4. NR 661.0004 (1) (y) 11. d. is amended to read:

NR 661.0004 (1) (y) 11. d. By reclaimer and intermediate facility, for each hazardous secondary material exported, a description of the hazardous secondary material and the EPA hazardous waste number that would apply if the hazardous secondary material was managed as hazardous waste, the DOT hazard class, the name and EPA ID number, where applicable, for each transporter used, the EPA consent numbers under which the hazardous secondary material was shipped and for each consent number, the total amount of hazardous secondary material shipped and the number of shipments ~~pursuant to each notification~~ exported during the calendar year covered by the report.

SECTION 5. NR 661.0004 (5) (a) is amended to read:

NR 661.0004 (5) (a) Except as provided in pars. (b) and (d), persons who generate or collect samples for the purpose of conducting treatability studies as defined in s. NR 660.10 (126)~~,~~ are not subject to any requirement of chs. NR 661 to 663 or to the notification requirements specified in s. NR 660.07, nor are such samples included in the quantity determinations of ~~ss. NR 662.013 and 662.016 (2)~~ s. NR 662.013 and the accumulation limits under ss. NR 662.014 (1) (c) and (d) and 662.016 (2) (a) when one of the following applies:

SECTION 6. NR 661.0006 (3) (a) is amended to read:

NR 661.0006 (3) (a) Except as provided in sub. (1), owners and operators of facilities that store recyclable materials before they are recycled are regulated under all applicable provisions of subchs. A to L~~, AA, BB, and CC of~~ and AA to DD under chs. NR 664 and 665, under chs. NR 666 to 670, and the notification requirements under s. NR 660.07. Except as provided in sub. (4), the recycling process itself is exempt from regulation.

SECTION 7. NR 661.0030 (4) is amended to read:

NR 661.0030 (4) The following hazardous wastes listed in s. NR 661.0031 are subject to the ~~exclusion~~ generator category limits for acutely hazardous wastes established in table 1 of s. NR 662.013: EPA hazardous wastes numbers F020, F021, F022, F023, F026 and F027.

SECTION 8. NR 661.0143 (1) (g) is amended to read:

NR 661.0143 (1) (g) Within 60 days after receiving a request from the owner or operator for release of funds as specified in pars. (e) or (f), the department will instruct the trustee to release to the owner or operator such funds as the department specifies in writing. If the owner or operator begins final closure under subch. G of ch. NR 664 or subch. G of ch. NR 665, an owner or operator may request reimbursements for partial or final closure expenditures by submitting itemized bills to the department. The owner or operator may request reimbursements for partial closure only if sufficient funds are remaining in the trust fund to cover the maximum costs of closing the facility over its remaining operating life. No later than 60 days after receiving bills for partial or final closure activities, the department will instruct the trustee to make reimbursements in those amounts as the department specifies in writing, if the department determines that the partial or final closure expenditures are in accordance with the approved closure plan, or otherwise justified. If the department has reason to believe that the maximum cost of closure over the remaining life of the facility will be significantly greater than the value of the trust fund, the department may withhold reimbursements of such amounts as the department deems prudent until the department determines, in accordance with ~~s. NR 665.0143~~ sub. (9), that the owner or operator is no longer required to maintain financial assurance for final closure of the facility. If the department does not instruct the trustee to make such reimbursements, the department will provide to the owner or operator a detailed written statement of reasons.

SECTION 9. NR 661.0151 (7) (b) is amended to read:

[Note to LRB:** The only thing changing in this paragraph is numbering of text that regulated entities will be inserting into their documentation. Amendments are shown in red.**]

NR 661.0151 (7) (b) A guarantee, as specified in s. NR 661.0147 (7), shall be worded as follows, except that instructions in brackets are to be replaced with the relevant information and the brackets deleted:

Guarantee for Liability Coverage

Guarantee made this [date] by [name of guaranteeing entity], a business corporation organized under the laws of [if incorporated within the United States insert “the State of ____-” and insert name of State; if incorporated outside the United States insert the name of the country in which incorporated, the principal place of business within the United States, and the name and address of the registered agent in the State of the principal place of business], herein referred to as guarantor. This guarantee is made on behalf of [owner or operator] of [business address], which is one of the following: “our subsidiary;” “a subsidiary of [name and address of common parent corporation], of which guarantor is a subsidiary;” or “an entity with which guarantor has a substantial business relationship, as defined in s. NR [either 664.0141 (8) or 665.0141 (8)], Wis. Adm. Code,” to any and all third parties who have sustained or may sustain bodily injury or property damage caused by [sudden and/or non-sudden] accidental occurrences arising from operation of the facility(ies) covered by this guarantee.

Recitals

1. Guarantor meets or exceeds the financial test criteria and agrees to comply with the reporting requirements for guarantors as specified in s. NR 661.0147 (7), Wis. Adm. Code.

2. [Owner or operator] owns or operates the following facility(ies) covered by this guarantee: [List for each facility: EPA identification number (if any issued), name, and address; and if guarantor is incorporated outside the United States list the name and address of the guarantor’s registered agent in each State.] This corporate guarantee satisfies RCRA third-party liability requirements for [insert “sudden” or “non-sudden” or “both sudden and non-sudden”] accidental occurrences in above-named owner or operator facilities for coverage in the amount of [insert dollar amount] for each occurrence and [insert dollar amount] annual aggregate.

3. For value received from [owner or operator], guarantor guarantees to any and all third parties who have sustained or may sustain bodily injury or property damage caused by [sudden and/or non-sudden] accidental occurrences arising from operations of the facility(ies) covered by this guarantee that in the event that [owner or operator] fails to satisfy a judgment or award based on a determination of liability for bodily injury or property damage to third parties caused by [sudden and/or non-sudden] accidental occurrences, arising from the operation of the above-named facilities, or fails to pay an amount agreed to in settlement of a claim arising from or alleged to arise from such injury or damage, the guarantor will satisfy such judgment(s), award(s) or settlement agreement(s) up to the limits of coverage identified above.

4. Such obligation does not apply to any of the following:

(a) Bodily injury or property damage for which [insert owner or operator] is obligated to pay damages by reason of the assumption of liability in a contract or agreement. This exclusion does not apply to liability for damages that [insert owner or operator] would be obligated to pay in the absence of the contract or agreement.

(b) Any obligation of [insert owner or operator] under a workers' compensation, disability benefits, or unemployment compensation law or any similar law.

(c) Bodily injury to:

(1) An employee of [insert owner or operator] arising from, and in the course of, employment by [insert owner or operator]; or

(2) The spouse, child, parent, brother, or sister of that employee as a consequence of, or arising from, and in the course of employment by [insert owner or operator]. This exclusion applies:

(A) Whether [insert owner or operator] may be liable as an employer or in any other capacity; and

(B) To any obligation to share damages with or repay another person who shall pay damages because of the injury to persons identified in subs. (1) and (2).

(d) Bodily injury or property damage arising out of the ownership, maintenance, use, or entrustment to others of any aircraft, motor vehicle or watercraft.

(e) Property damage to:

(1) Any property owned, rented, or occupied by [insert owner or operator];

(2) Premises that are sold, given away or abandoned by [insert owner or operator] if the property damage arises out of any part of those premises;

(3) Property loaned to [insert owner or operator];

(4) Personal property in the care, custody or control of [insert owner or operator];

(5) That particular part of real property on which [insert owner or operator] or any contractors or subcontractors working directly or indirectly on behalf of [insert owner or operator] are performing operations, if the property damage arises out of these operations.

5. Guarantor agrees that if, at the end of any fiscal year before termination of this guarantee, the guarantor fails to meet the financial test criteria, guarantor shall send within 90 days, by certified mail, notice to the department and to [owner or operator] that he intends to provide alternate liability coverage as specified in s. NR 661.0147, Wis. Adm. Code, as applicable, in the name of [owner or operator]. Within 120 days after the end of such fiscal year, the guarantor shall establish such liability coverage unless [owner or operator] has done so.

6. The guarantor agrees to notify the department by certified mail of a voluntary or involuntary proceeding under title 11 (Bankruptcy), U.S. Code, naming guarantor as debtor, within 10 days after commencement of the proceeding. Guarantor agrees that within 30 days after being notified by the department of a determination that guarantor no longer meets the financial test criteria or that he is disallowed from continuing as a guarantor, he shall establish alternate liability coverage as specified in s. NR 661.0147, Wis. Adm. Code, in the name of [owner or operator], unless [owner or operator] has done so.

7. Guarantor reserves the right to modify this agreement to take into account amendment or modification of the liability requirements set by s. NR 661.0147, Wis. Adm. Code, provided that such modification shall become effective only if a department does not disapprove the modification within 30 days of receipt of notification of the modification.

8. Guarantor agrees to remain bound under this guarantee for so long as [owner or operator] shall comply with the applicable requirements of s. NR 661.0147, Wis. Adm. Code, for the above-listed facility(ies), except as provided in paragraph ~~10~~ 9 of this agreement.

9. [Insert the following language if the guarantor is (a) a direct or higher-tier corporate parent, or (b) a firm whose parent corporation is also the parent corporation of the owner or operator]:

~~10.~~ Guarantor may terminate this guarantee by sending notice by certified mail to the department and to [owner or operator], provided that this guarantee may not be terminated unless and until [the owner or operator] obtains, and the department approves, alternate liability coverage complying with s. NR 661.0147, Wis. Adm. Code.

[Insert the following language if the guarantor is a firm qualifying as a guarantor due to its "substantial business relationship" with the owner or operator]:

Guarantor may terminate this guarantee 120 days following receipt of notification, through certified mail, by the department and by [the owner or operator].

~~11.~~ 10. Guarantor hereby expressly waives notice of acceptance of this guarantee by any party.

~~12.~~ 11. Guarantor agrees that this guarantee is in addition to and does not affect any other responsibility or liability of the guarantor with respect to the covered facilities.

~~13.~~ 12. The Guarantor shall satisfy a third-party liability claim only on receipt of one of the following documents:

(a) Certification from the Principal and the third-party claimant(s) that the liability claim should be paid. The certification shall be worded as follows, except that instructions in brackets are to be replaced with the relevant information and the brackets deleted:

CERTIFICATION OF VALID CLAIM

The undersigned, as parties [insert Principal] and [insert name and address of third-party claimant(s)], hereby certify that the claim of bodily injury and/or property damage caused by a [sudden or non-sudden] accidental occurrence arising from operating [Principal's] facility should be paid in the amount of $ _____.

[Signatures] _____

Principal _____

(Notary) Date _____

[Signatures] _____

Claimant(s) _____

(Notary) Date _____

(b) A valid final court order establishing a judgment against the Principal for bodily injury or property damage caused by sudden or non-sudden accidental occurrences arising from the operation of the Principal's facility or group of facilities.

~~14.~~ 13. In the event of combination of this guarantee with another mechanism to meet liability requirements, this guarantee will be considered [insert "primary" or "excess"] coverage.

I hereby certify that the wording of the guarantee is identical to the wording specified in s. NR 661.0151 (7) (b), Wis. Adm. Code, as such regulations were constituted on the date shown immediately below.

Effective date:

[Name of guarantor]

[Authorized signature for guarantor]

[Name of person signing]

[Title of person signing]

Signature of witness or notary:

SECTION 10. NR 661.0411 (2) is amended to read:

NR 661.0411 (2) The generator or intermediate or reclamation facility shall post all of the following information ~~next to the communication device~~ at the scene of operations required in s. NR 661.0410 (2) (b):

SECTION 11. NR 661.1084 (10) (b) 2. and 3. are amended to read:

NR 661.1084 (10) (b) 2. The hazardous secondary material has been treated by an organic destruction or removal process to meet the requirements specified ~~in s. NR 661.1082 (3)~~ under s. NR 664.1082 (3) (b).

3. The hazardous secondary material meets the requirements specified ~~in s. NR 661.1082 (3)~~ under s. NR 664.1082 (3) (d).

SECTION 12. NR 661.1089 (1) is amended to read:

NR 661.1089 (1) Each remanufacturer or other person that stores or treats the hazardous secondary material subject to requirements of this subchapter shall record and maintain the information specified in subs. (2) to (8), as applicable to the facility. Except for air emission control equipment design documentation and information required by subs. (5) and (8), records required by this section shall be maintained at the facility for a minimum of 3 years. Air emission control equipment design documentation shall be maintained at the facility until the air emission control equipment is replaced or otherwise no longer in service. Information required under subs. (5) and (8) shall be maintained at the facility for as long as the hazardous secondary material management unit is not using air emission controls specified in ss. NR 661.1084 to 661.1087 in accordance with the conditions specified in ~~s. NR 661.1080~~ s. NR 661.1080 (1).

SECTION 13. NR 662.001 (1) is amended to read:

NR 662.001 (1) "Condition for exemption" means any requirement specified in s. NR 662.014, 662.015, 662.016, 662.017, or 662.070 or subch. K or L that states an event, action, or standard that shall occur or be met in order to obtain an exemption from any applicable requirement specified in chs. NR 664 to 668 and 670, or from any requirement for notification under s. NR 660.07 for treatment, storage, and disposal facilities.

SECTION 14. NR 662.010 (1) (b) is amended to read:

NR 662.010 (1) (b) A generator that accumulates hazardous waste on-site is a person that stores hazardous waste. Such generator is subject to the applicable requirements of chs. NR 664 to 667 and 670, and s. NR 660.07 for treatment, storage, and disposal facilities, unless ~~it~~ the generator is any of the following:

SECTION 15. NR 662.010 (12) (Note 1) and (Note 2) are repealed.

SECTION 16. NR 662.010 (15), (Note 1), and (Note 2) are created to read:

NR 662.010 (15) All electronic nicotine delivery system retailers, as defined under s. NR 666.500 (1) (m), are subject to subch. P of ch. NR 666 in addition to the provisions of this chapter.

Note: The provisions specified under ss. NR 662.015 to 662.017 are applicable to the on-site accumulation of hazardous waste by generators. Therefore, the provisions specified

under ss. NR 662.015 to 662.017 only apply to owners or operators who are shipping hazardous waste generated at that facility.

Note: A generator that treats, stores, or disposes of hazardous waste on-site is required to comply with the applicable standards and license requirements under chs. NR 664, 665, 666, 668, and 670.

SECTION 17. NR 662.014 (1) (c) is amended to read:

NR 662.014 (1) (c) If the very small quantity generator accumulates at any time greater than 1 kilogram of acute hazardous waste or 100 kilograms of any residue or contaminated soil, water, or other debris resulting from the cleanup of a spill, into or on any land or water, of any acute hazardous waste listed in s. NR 661.0031 or 661.0033 (5), all quantities of that acute hazardous waste are subject to all of the following additional conditions for exemption and independent requirements:

SECTION 18. NR 662.014 (1) (c) 3. to 7. are created to read:

NR 662.014 (1) (c) 3. Notification as a very small quantity generator under s. NR 662.018 (1) to (3).

4. Preparation and use of the manifest under subch. B.

5. Pre-transport requirements under subch. C.

6. Recordkeeping and reporting requirements under subch. D.

7. Requirements for transboundary movements of hazardous wastes under subch. H.

SECTION 19. NR 662.014 (1) (d) (intro.) and 1. are amended to read:

NR 662.014 (1) (d) If the very small quantity generator accumulates at any time 1,000 kilograms or greater of non-acute hazardous waste, all quantities of that hazardous waste are subject to all of the following additional conditions for exemption and independent requirements:

1. The waste is held on-site for no more than 180 days, or 270 days if the generator meets the requirements specified in s. NR 662.016 (3), beginning on the date when the accumulated waste exceeds the amounts provided in ~~s. NR 662.014 (1) (c)~~ this paragraph.

SECTION 20. NR 662.014 (1) (d) 4. to 8. are created to read:

NR 662.014 (1) (d) 4. Notification as a very small quantity generator under s. NR 662.018 (1) to (3).

5. Preparation and use of the manifest under subch. B.

6. Pre-transport requirements under subch. C.

7. Recordkeeping and reporting requirements under subch. D.

8. Requirements for transboundary movements of hazardous wastes under subch. H.

SECTION 21. NR 662.016 (intro.) and (2) (a) and (e) are amended to read:

NR 662.016 A small quantity generator may accumulate hazardous waste on-site without a license or interim status, and without complying with the requirements of chs. NR 664 to 667 and 670, or the notification requirements under s. NR 660.07 for treatment, storage, and disposal facilities, provided that all of the following conditions for exemption are met:

(2) (a) *Accumulation limit.* The quantity of acute hazardous waste accumulated on-site never exceeds one kilogram and the quantity of non-acute hazardous waste accumulated on-site never exceeds 6,000 kilograms.

(e) *Accumulation of hazardous waste in containment buildings.* If the waste is placed in containment buildings, the small quantity generator shall comply with ~~subch. D~~ subch. DD of ch. NR 665. The generator shall label its containment buildings with the words “Hazardous Waste” in a conspicuous place easily visible to employees, visitors, emergency responders, waste handlers, or other persons on-site and provide an indication of the hazards of the contents in a conspicuous place. Acceptable indications of hazardous contents include the following: applicable hazardous waste characteristic or characteristics, such as, ignitable, corrosive, reactive, or toxic; hazard communication consistent with the department of transportation requirements on labeling or placarding, incorporated into s. Trans 326.01 (3); a hazard statement or pictogram consistent with the Occupational Safety and Health Administration Hazard Communication Standard, incorporated into s. SPS 332.50; or a chemical hazard label consistent with the National Fire Protection Association, incorporated into s. SPS 314.001 (1) (a). The generator shall also maintain all of the following:

SECTION 22. NR 662.017 (intro.) and (1) (b) and (h) 1. (intro.), a., and b. are amended to read:

NR 662.017 Conditions for exemption for a large quantity generator that accumulates hazardous waste. A large quantity generator may accumulate hazardous waste on-site without a license or interim status, and without complying with the requirements of chs. NR 664 to 667 and 670, or from any requirement for notification under s. NR 660.07 for treatment, storage, and disposal facilities, provided that all of the following conditions for exemption are met:

(1) (b) *Accumulation of hazardous waste in tanks.* If the waste is placed in tanks, the large quantity generator shall comply with the applicable requirements of subch. J of ch. NR 665, except s. NR 665.0197 (3) ~~for closure and post-closure care,~~ and s. NR 665.0200 as well as the applicable requirements of subchs. AA, BB, and CC of ch. NR 665.

(h) 1. 'Notification for closure of a waste accumulation unit.' A large quantity generator shall perform one of the following actions when closing ~~a~~ one or more waste accumulation units, but not all of its waste accumulation units:

a. Place a notice in the operating record within 30 days after closure identifying the location of the unit within the facility. If the waste accumulation unit is subsequently reopened, the generator may remove the notice from the operating record.

b. Meet the closure performance standards of subd. 3. for container, tank, and containment building waste accumulation units or subd. 4. for drip pads and notify the department following the procedures in subd. 2. b. for the waste accumulation unit. ~~If the waste accumulation unit is subsequently reopened, the generator may remove the notice from the operating record.~~

SECTION 23. NR 662.017 (1) (h) 5. (Note) is created to read:

NR 662.017 (1) (h) 5. **Note:** Upon closure of all waste accumulation units, the requirements of s. NR 662.017 (1) (h) 3 apply.

SECTION 24. NR 662.017 (2), (3) (title) and (intro.), (4), (5), and (6) (intro.) are amended to read:

NR 662.017 (2) ACCUMULATION TIME LIMIT EXTENSION. A large quantity generator who accumulates hazardous waste for more than 90 days is subject to the requirements under chs. NR 664 to 668 and 670, and the notification requirements under s. NR 660.07 for treatment, storage, and disposal facilities, unless it has been granted an extension to the 90-day period. An extension may be granted by the department if hazardous wastes must remain on-site for longer than 90 days due to unforeseen, temporary, and uncontrollable circumstances. A one-time extension of up to 30 days, per occurrence, may be granted at the discretion of the department on a case-by-case basis.

(3) ACCUMULATION OF ~~F006~~ F006 WASTE. A large quantity generator that also generates wastewater treatment sludges from electroplating operations that meet the listing description for the EPA hazardous waste number F006, may accumulate F006 waste on-site for more than 90 days, but not more than 180 days without being subject to chs. NR 664 to 667 and 670~~,~~ and the notification requirements under s. NR 660.07 for treatment, storage, and disposal facilities, provided that ~~it~~ the large quantity generator complies with all of the following additional conditions for exemption:

(4) F006 WASTE TRANSPORTED OVER 200 MILES. A large quantity generator who also generates wastewater treatment sludges from electroplating operations that meet the listing description for the EPA hazardous waste number F006, and who shall transport this waste, or offer this waste for transportation, over a distance of 200 miles or more for off-site metals recovery, may accumulate F006 waste on-site for more than 90 days, but not more than 270 days without being subject to chs. NR 664 to 667, 670, and the notification requirements under s. NR 660.07 for treatment, storage, and disposal facilities, if the large quantity generator complies with all of the conditions for exemption under sub. (3) (a) to (d).

(5) F006 WASTE ACCUMULATION TIME EXTENSION. A large quantity generator accumulating F006 in accordance with subs. (3) and (4) who accumulates F006 waste on-site for more than 180 days, or for more than 270 days if the generator must transport this waste, or offer this waste for transportation, over a distance of 200 miles or more, or who accumulates more than 20,000 kilograms of F006 waste on-site is an operator of a storage facility and is subject to the requirements under chs. NR 664, 665, 667, and 670, and the notification requirements under s. NR 660.07 for treatment, storage, and disposal facilities, unless the generator has been granted an extension to the 180 days, or 270 days if applicable, period or an exception to the 20,000 kilograms accumulation limit. Such extensions and exceptions may

be granted by the department if the F006 waste must remain on-site for longer than 180 days, or 270 days if applicable, or if more than 20,000 kilograms of F006 waste must remain on-site due to unforeseen, temporary, and uncontrollable circumstances. An extension of up to 30 days or an exception to the accumulation limit may be granted at the discretion of the department on a case-by-case basis.

(6) CONSOLIDATION OF HAZARDOUS WASTE RECEIVED FROM VERY SMALL QUANTITY GENERATORS. In this subsection "control" means the power to direct the policies of the generator, whether by the ownership of stock, voting rights, or otherwise, except that a contractor who operates generator facilities on behalf of a different person may not be deemed to "control" such generators. Large quantity generators may accumulate on-site hazardous waste received from very small quantity generators under control of the same person as defined in s. NR 660.10 (90), without a storage license or interim status and without complying with the requirements under chs. NR 664 to 668 and 670, and the notification requirements under s. NR 660.07 for treatment, storage, and disposal facilities, provided they comply with all of the following:

SECTION 25. NR 662.200 (10) is amended to read:

NR 662.200 (10) "Trained professional" means a person who has completed the applicable RCRA training requirements under s. NR 662.017 (1) (g) for large quantity generators, or is knowledgeable about normal operations and emergencies in accordance with s. NR 662.016 (2) (i) 3. for small quantity generators and for very small quantity generators that opt into subch. K. A trained professional may be an employee of the eligible academic entity or may be a contractor or vendor who meets the requisite training requirements.

SECTION 26. NR 664.1050 (2) (b) is amended to read:

NR 664.1050 (2) (b) A unit (including a hazardous waste recycling unit) that is not exempt from licensing under ~~s. NR 662.017 (1)~~ s. NR 662.017 (i.e., a hazardous waste recycling unit that is not a "90-day" tank or container) and that is located at a hazardous waste management facility otherwise subject to the licensing requirements of ch. NR 670.

SECTION 27. NR 665.0072 (1) (c) is amended to read:

NR 665.0072 (1) (c) Container residues, which are residues that exceed the quantity

limits for empty containers set forth ~~in s.~~ under ss. NR 661.0007 (2) and 666.507.

SECTION 28. NR 665.0402 (2) (Note) is amended to read:

NR 665.0402 (2) Note: ~~Note:~~ As required by s. NR 665.0013, the waste analysis plan shall include analyses needed to comply with ss. NR 665.0405 and 665.0406. As required by s. NR 665.0073, the owner or operator shall place the results from each waste analysis and trial test, or the documented information, in the operating record of the facility.

SECTION 29. NR 666.108 (3) (Note) is amended to read:

NR 666.108 (3) Note: Hazardous wastes that are subject to the ~~special requirements~~ conditions for exemption for very small quantity generators under ~~ss. NR 662.013 and 662.016~~ s. NR 662.014 may be burned in an off-site device under the exemption provided by this section, but shall be included in the quantity determination for the exemption.

SECTION 30. NR 666.500 (1) is repealed and recreated to read:

NR 666.500 (1) (e) "Electronic nicotine delivery system" or "ENDS" means an electronic device that can be used to aerosolize and deliver nicotine to the person inhaling from the device, such as an electronic cigarette, electronic pipe, vaping pen, and any liquid nicotine or e-liquid packaged for retail sale for use in such a device, such as a pre-filled cartridge, tank, pod, or vial that is sold separately to consumers or as part of kits.

(m) "Electronic nicotine delivery system retailer" or "ENDS retailer" means any person who distributes or sells electronic nicotine delivery systems. This definition includes retailers who sell products directly to consumers, wholesale distributors, and third-party logistics providers that serve as forward distributors. This definition does not include manufacturers or reverse logistics centers.

(s) "Evaluated hazardous waste pharmaceutical" means a prescription hazardous waste pharmaceutical that has been evaluated by a reverse distributor in accordance with s. NR 666.510 (1) (c) and will not be sent to another reverse distributor for further evaluation or verification of manufacture credit.

SECTION 31. NR 666.501 (3) is amended to read:

NR 666.501 (3) A healthcare facility, ENDS retailer, or reverse distributor remains

subject to all applicable hazardous waste regulations with respect to the management of its non-pharmaceutical hazardous waste.

SECTION 32. NR 666.501 (7) (g) is repealed and recreated to read:

NR 666.501 (7) (g) Household waste pharmaceuticals that are collected for management, when one of the following are met:

1. The collector complies with subch. HH.

2. The collector is licensed under ch. NR 670 or is permitted under 40 CFR part 270.

3. The authorized collector, as defined by the Drug Enforcement Administration, complies with the conditional exemption under s. NR 666.506 (1) (b) and (2).

SECTION 33. NR 666.502 (title) and (4) (d) are amended to read:

NR 666.502 Standards for healthcare facilities and ENDS retailers managing non-creditable hazardous waste pharmaceuticals.

(4) (d) A healthcare facility may accumulate non-creditable hazardous waste pharmaceuticals and non-hazardous non-creditable waste pharmaceuticals in the same container, except that non-creditable hazardous waste pharmaceuticals prohibited from being combusted because of the dilution prohibition under s. NR 668.03 (3) including metal-bearing waste codes listed in ch. NR 668 Appendix XI, unless one or more criteria in ss. NR 668.03 (3) (a) to (f) are met, or because it is prohibited from being lab packed due to s. NR 668.42 (3) including waste codes listed in ch. NR 668 Appendix IV, shall be accumulated in separate containers, and labeled with all applicable hazardous waste numbers, or hazardous waste codes.

SECTION 34. NR 666.504 (title) is amended to read:

NR 666.504 Healthcare facilities that are very small quantity generators for both hazardous waste pharmaceuticals and non-pharmaceutical hazardous waste that are not operating under subch. P.

SECTION 35. NR 666.505 is amended to read:

NR 666.505 Prohibition ~~of~~ on sewering hazardous waste pharmaceuticals. All healthcare facilities, including very small quantity generators operating under s. NR 662.014 in lieu of this subchapter, ~~and~~ reverse distributors, and ENDS retailers are prohibited from discharging hazardous waste pharmaceuticals, including ENDS, to a sewer system that passes through to a publicly-owned treatment works. Healthcare facilities, ENDS retailers, and reverse distributors remain subject to the prohibitions in 40 CFR 403.5.

SECTION 36. NR 666.506 (title), (1) (b), and (2) (c) 3. and 4. are amended to read:

NR 666.506 Conditional ~~exemptions~~ exemption for hazardous waste pharmaceuticals that are also controlled substances and household waste pharmaceuticals collected ~~in a take-back event or program~~ by an authorized collector.

(1) (b) Household waste pharmaceuticals that are collected ~~in a take-back event or program, including those that are collected~~ by an authorized collector, as defined by the drug enforcement administration, registered with the drug enforcement administration that commingles the household waste pharmaceuticals with controlled substances from an ultimate user, as defined by the drug enforcement administration.

(2) (c) 3. A permitted hospital, medical and infectious waste incinerator, subject to 40 CFR part 62, subpart HHH, or applicable state plan for existing hospital, medical and infectious waste incinerators, or 40 CFR part 60, subpart Ec, for new hospital, medical and infectious waste incinerators.

4. A permitted commercial and industrial solid waste incinerator, subject to 40 CFR part 62, subpart III, or applicable state plan for existing commercial and industrial solid waste incinerators, or 40 CFR part 60, subpart CCCC, for new commercial and industrial solid waste incinerators.

SECTION 37. NR 666.507 (2) to (4) are amended to read:

NR 666.507 (2) SYRINGES. A syringe is considered empty and the residues are not regulated as hazardous waste under this subchapter provided the contents have been removed by fully depressing the plunger of the syringe. ~~If~~ At healthcare facilities operating under subch. P, if a syringe is not empty, the syringe shall be placed with its remaining hazardous waste pharmaceuticals into a container that is managed and disposed of as a non-creditable

hazardous waste pharmaceutical under this subchapter and the applicable federal, state, and local requirements for sharps containers and medical waste.

(3) INTRAVENOUS (IV) BAGS. An IV bag is considered empty and the residues are not regulated as hazardous waste provided the pharmaceuticals in the IV bag have been fully administered to a patient~~. If~~, or if the IV bag held non-acute hazardous waste pharmaceuticals and is empty as defined under s. NR 661.0007 (2) (a). At healthcare facilities operating under subch. P, if an IV bag is not empty, the IV bag shall be placed with its remaining hazardous waste pharmaceuticals into a container that is managed and disposed of as a non-creditable hazardous waste pharmaceutical under this subchapter~~, unless the IV bag held non-acute hazardous waste pharmaceuticals and is empty as defined in s. NR 661.0007 (2) (a)~~.

(4) OTHER CONTAINERS, INCLUDING DELIVERY DEVICES. ~~Hazardous~~ At healthcare facilities operating under subch. P, hazardous waste pharmaceuticals remaining in all other types of unused, partially administered, or fully administered containers shall be managed as non-creditable hazardous waste pharmaceuticals under this subchapter, unless the container held non-acute hazardous waste pharmaceuticals and is empty as defined in s. NR 661.0007 (2) (a) or (b). Examples of containers and delivery devices containing residues may include inhalers, aerosol cans, nebulizers, tubes of ointments, gels, or creams.

SECTION 38. NR 666.508 (1) (a) 3. c. and (b) 2. are amended to read:

NR 666.508 (1) (a) 3. c. Lab packs that will be incinerated in compliance with s. NR 668.42 (3) are not required to be marked with EPA hazardous waste numbers or hazardous waste codes, except D004, D005, D006, D007, D008, D010, and D011, where applicable. A nationally recognized electronic system, such as bar coding or radio frequency identification tag, may be used to identify the applicable EPA hazardous waste numbers or hazardous waste codes.

(b) 2. A healthcare facility shipping non-creditable hazardous waste pharmaceuticals shall write the word "PHRM" or "PHARMS" in Item 13 of EPA form 8700-22. A healthcare facility may also include the applicable EPA hazardous waste numbers or hazardous waste codes in Item 13 of EPA Form 8700-22.

SECTION 39. NR 666.508 (1) (b) 2. (Note) is repealed.

SECTION 40. NR 666.510 (1) (i) 1. c. is amended to read:

NR 666.510 (1) (i) 1. c. The EPA identification number, name, and address of the healthcare facility or other entity that shipped the unauthorized waste, if available.

SECTION 41. NR 666.510 (3) (d) 6., (e), and (g) (intro.) are amended to read:

NR 666.510 (3) (d) 6. Accumulate evaluated hazardous waste pharmaceuticals that are prohibited from being combusted because of the dilution prohibition under s. NR 668.03 (3), for example ~~arsenic trioxide (P012)~~, metal-bearing waste codes listed under ch. NR 668 Appendix XI unless one or more criteria under s. NR 668.03 (3) (a) to (f) are met, or because it is prohibited from being lab packed under s. NR 668.42 (3) including waste codes listed in NR 668 Appendix IV, in separate containers from other evaluated hazardous waste pharmaceuticals at the reverse distributor.

(e) *Hazardous waste numbers.* Prior to shipping evaluated hazardous waste pharmaceuticals off-site, all containers shall be marked with the applicable EPA hazardous waste numbers~~,~~ or hazardous waste codes, except as allowed under s. NR 666.508 (1) (a) 3. c. A nationally recognized electronic system, such as bar coding or radio frequency identification tag, may be used to identify the applicable EPA hazardous waste numbers or hazardous waste codes.

(g) *Procedures for a reverse distributor for managing rejected shipments.* A reverse distributor that sends a shipment of evaluated hazardous waste pharmaceuticals to a designated facility with the understanding that the designated facility can accept and manage the waste, and later receives that shipment back as a rejected load in accordance with the manifest discrepancy provisions under s. NR 664.0072 or 665.0072, may accumulate the ~~returned~~ rejected evaluated hazardous waste pharmaceuticals on-site for up to an additional 90 calendar days in the on-site accumulation area provided the rejected ~~or returned~~ shipment is managed in accordance with sub. (1) and this subsection. Upon receipt of the ~~returned~~ rejected shipment, the reverse distributor shall do all of the following:

SECTION 42. NR 666.510 (3) (i) 3. a. is amended to read:

NR 666.510 (3) (i) 3. a. A reverse distributor that does not receive a copy of the manifest with the signature of the owner or operator of the alternate facility within 35 calendar days of the

date the evaluated hazardous waste pharmaceuticals were accepted by the initial transporter shall contact the transporter or the owner or operator of the alternate facility to determine the status of the hazardous waste. The 35-day ~~time frame~~ timeframe begins the date the evaluated hazardous waste pharmaceuticals are accepted by the transporter forwarding the hazardous waste shipment from the designated facility to the alternate facility.

SECTION 43. NR 666.510 (3) (i) 3. b. 1) is amended to read:

NR 666.510 (3) (i) 3. b. 1) A legible copy of the manifest for which the ~~generator~~ reverse distributor does not have confirmation of delivery.

SECTION 44. NR 679.22 (3) (c) is created to read:

NR 679.22 (3) (c) Containers and above ground tanks used to store used antifreeze and fill pipes used to transfer used antifreeze into underground storage tanks shall be labeled or marked clearly with the words “Used Oil” or “Used Antifreeze”.

SECTION 45. EFFECTIVE DATE. This rule takes effect on the first day of the month following publication in the Wisconsin Administrative Register as provided in s. 227.22 (2) (intro.), Stats.

SECTION 46. BOARD ADOPTION. This rule was approved and adopted by the State of Wisconsin Natural Resources Board on [DATE].

SIGNATURE

Dated at Madison, Wisconsin _____

State of Wisconsin
Department of Natural Resources

BY _____
Steven Little, Deputy Secretary
For Karen Hyun, Ph.D., Secretary