

## Clearinghouse Rule 23-012

### PETITION OF THE STATE OF WISCONSIN DEPARTMENT OF NATURAL RESOURCES REPEALING AN UNAUTHORIZED RULE

The Wisconsin Department of Natural Resources proposes the following permanent rule to **repeal** ch. NR 168, relating to the brownfield site assessment grant program.

EXR - 15

#### Analysis Prepared by the Department of Natural Resources

**1. Statute Interpreted:**

Section 238.133, Stats.  
2011 Wis. Act 32 (Section 2990r)

**2. Statutory Authority:**

Section 227.26(4)(b), Stats.  
Section 227.29(1)(a), Stats.

**3. Explanation of Agency Authority:**

Statutory authority for ch. NR 168, Wis. Adm. Code, was repealed by 2011 Wis. Act 32.

**4. Related Statutes or Rules:**

Section 292.75, Stats.  
Chapter NR 168, Wis. Adm. Code

**5. Plain Language Analysis:**

Chapter NR 168, Wis. Adm. Code, was promulgated by emergency rule in 2000 and established procedures for implementing a brownfield site assessment grant program. The administrative code chapter was promulgated under the statutory authority of s. 292.75, Stats. Under s. 292.75, Stats., the DNR administered this grant program, which assisted local governmental units in assessing environmental contamination and conducting certain activities on eligible brownfield sites and facilities.

Through 2011 Wis. Act 32, the Wisconsin State Legislature renumbered the enabling statute, s. 292.75, Stats., as s. 238.133, Stats., and designated the Wisconsin Economic Development Corporation (WEDC) as the agency responsible for implementing this program. See 2011 Wis. Act 32 (Section 2990r). Accordingly, because the DNR lacks statutory authority to administer the rules in ch. NR 168, the DNR has determined that it is an unauthorized administrative code chapter and requests authorization to repeal it.

**6. Agency Contact Person:**

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TEXT OF RULE

**SECTION 1. NR 168 is repealed.**

**SECTION 2. 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.

END OF TEXT