



NIR 102

State of Wisconsin \ DEPARTMENT OF NATURAL RESOURCES

Anthony S. Earl
Secretary

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MADISON, WISCONSIN 53701

IN REPLY REFER TO: _____

STATE OF WISCONSIN)
)
DEPARTMENT OF NATURAL RESOURCES) ss

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TO ALL TO WHOM THESE PRESENTS SHALL COME, GREETINGS:

I, Anthony S. Earl, Secretary of the Department of Natural Resources and custodian of the official records of said Department, do hereby certify that the annexed copy of Natural Resources Board Order No. WQ-96-76 was duly approved and adopted by this Department on October 21, 1976. I further certify that said copy has been compared by me with the original on file in this Department and that the same is a true copy thereof, and of the whole of such original.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the official seal of the Department at Pyare Square Building in the Village of Shorewood Hills, this 3rd day of January, 1977.

Anthony S. Earl, Secretary

(SEAL)

STATE OF WISCONSIN NATURAL RESOURCES BOARD

.....
IN THE MATTER of amending section NR 102.07 .
of the Wisconsin Administrative Code per- .
taining to review of thermal standards .
.....

WQ-96-76

ORDER OF THE STATE OF WISCONSIN NATURAL RESOURCES BOARD

AMENDING RULES

Pursuant to the authority vested in the State of Wisconsin Natural Resources Board by section 144.025(2)(b) and chapter 227, Wisconsin Statutes, the State of Wisconsin Natural Resources Board hereby amends rules as follows:

SECTION 1 - Section NR 102.07 is amended to read:

NR 102.07 Review of thermal standards. (1) Whenever the owner of any source of thermal discharges that existed on or before July 31, 1975, in compliance with department guidelines and after opportunity for public hearing, can demonstrate to the satisfaction of the department that the mixing zone established pursuant to this chapter is more stringent than necessary to assure the protection and propagation of a balanced, indigenous population of shellfish, fish and wildlife in and on the receiving water, the department may:

(a) Impose a mixing zone with respect to such thermal discharge that will assure the protection and propagation of such a population, or

(b) Exempt such thermal discharge from the thermal requirements of this chapter provided this exemption will not endanger the propagation of such a population.

(2) Any owner desiring a review pursuant to NR 102.07(1) shall submit a demonstration to the department no later than June 30, 1976. The department shall reach a decision no later than December 31, 1976.

(3) In the event an owner fails to make a satisfactory demonstration pursuant to NR 102.07(1), the department shall establish a compliance date for the thermal component to be achieved no later than July 1, 1979.

(4) Whenever the owner of any source of thermal discharges that commenced on or after August 1, 1975, in compliance with department guidelines and after opportunity for public hearing, can demonstrate to the satisfaction of the department that the mixing zone established pursuant to this chapter is more stringent than necessary to assure the protection and propagation of a balanced, indigenous population of shellfish, fish and wildlife in and on the receiving water, the department may:

(a) Impose a mixing zone with respect to such thermal discharge that will assure the protection and propagation of such a population, or

(b) Exempt such thermal discharge from the thermal requirements of this chapter provided this exemption will not endanger the propagation of such a population.

(5) In the event an owner fails to make a satisfactory demonstration pursuant to NR 102.07(4), the discharge shall be in compliance with the thermal requirements of this chapter upon commencement of the discharge.

(6) The department may require the reduction of thermal discharges or the size and configuration of a mixing zone if it finds that environmental damage is imminent or existent.

The foregoing rules were approved and adopted by the State of Wisconsin Natural Resources Board on October 21, 1976.

The rules contained herein shall take effect upon publication.

Dated at Madison, Wisconsin

3 January 1977

STATE OF WISCONSIN DEPARTMENT OF NATURAL RESOURCES

By

Anthony S. Earl
Anthony S. Earl, Secretary

(SEAL)