

## Chapter NR 494

### ENFORCEMENT AND PENALTIES FOR VIOLATION OF AIR POLLUTION CONTROL PROVISIONS

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**Note:** Corrections made under s. 13.93 (2m) (b) 7., Stats., Register, January, 1997, No. 493.

**NR 494.01 Applicability; purpose. (1) APPLICABILITY.** This chapter applies to all air contaminant sources governed by ch. 285, Stats., or s. 299.15, Stats., or by chs. NR 400 to 499, and to their owners and operators.

**(2) PURPOSE.** This chapter is adopted under ss. 285.11, 285.13, 285.83 and 285.87, Stats., to provide enforcement procedures and penalties for violations of any provision of ch. 285, Stats., or s. 299.15, Stats., or of chs. NR 400 to 499, or of a permit, plan approval or special order under ch. 285, Stats., or s. 299.15, Stats., or chs. NR 400 to 499.

**History:** Cr. Register, September, 1986, No. 369, eff. 10-1-86; am. (1), Register, May, 1992, No. 437, eff. 6-1-92; am. Register, June, 1993, No. 450, eff. 7-1-93.

**NR 494.02 Definitions.** The definitions contained in ch. NR 400 apply to the terms used in this chapter.

**History:** Cr. Register, September, 1986, No. 369, eff. 10-1-86.

**NR 494.03 Procedure.** If the department has reason to believe that a violation of ch. 285 or s. 299.15, Stats., chs. NR 400 to 499, or of a permit, plan approval or special order issued by the department under ch. 285 or s. 299.15, Stats., has occurred, the department may proceed under s. 285.83, Stats.

**History:** Renum. from NR 154.08 (1) and am. Register, September, 1986, No. 369, eff. 10-1-86; renum. from NR 494.025, Register, January, 1993, No. 445, eff. 2-1-93; am. Register, June, 1993, No. 450, eff. 7-1-93.

**NR 494.04 Tagging gasoline dispensing equipment.**

**(1) TAGGING.** If the department has reason to believe that a violation of s. NR 420.045 has occurred, the notice served on the alleged violator under s. 285.83 (1) (a) 1., Stats., may include a tag or other notice placed on the dispensing equipment that is alleged to be in violation of s. NR 420.045. The tag or notice shall indicate that the dispensing equipment on which the tag or notice is placed may not be used to dispense gasoline until the tag or notice is removed by or at the written direction of the department.

**(2) REMOVAL OF TAG.** The department shall remove or direct the removal of a tag or notice placed on dispensing equipment under sub. (1) only after the department finds that the dispensing equipment is in compliance with s. NR 420.045. The department shall make a finding regarding compliance within 2 working days after the receipt of written notice from the facility that the dispensing equipment has been repaired.

**History:** Cr. Register, January, 1993, No. 445, eff. 2-1-93.

**NR 494.05 Penalties.** Any person who violates any provision of ch. 285, Stats., or s. 299.15, Stats., chs. NR 400 to 499 or a permit or special order issued by the department under ch. 285, Stats., or s. 299.15, Stats., is subject to the penalties provided under s. 285.87, Stats.

**History:** Renum. from NR 154.08 (2) and am. Register, September, 1986, No. 369, eff. 10-1-86; renum. from NR 494.03, Register, January, 1993, No. 445, eff. 2-1-93; am. Register, June, 1993, No. 450, eff. 7-1-93.