



NR 102

Filed June 10, 1975
10:20 am C. L. P. b

State of Wisconsin \ DEPARTMENT OF NATURAL RESOURCES

L. P. Voigt
Secretary

BOX 450
MADISON, WISCONSIN 53701

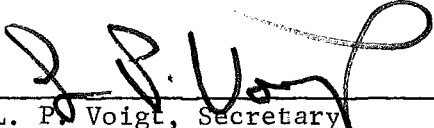
IN REPLY REFER TO: _____

STATE OF WISCONSIN)
DEPARTMENT OF NATURAL RESOURCES) ss

TO ALL TO WHOM THESE PRESENTS SHALL COME, GREETINGS:

I, L. P. Voigt, 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. W-69-74 was duly approved and adopted by this Department on April 25, 1975. 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 6th day of June, 1975.


L. P. Voigt, Secretary

(SEAL)

STATE OF WISCONSIN NATURAL RESOURCES BOARD

.....
IN THE MATTER of amending NR 102.05 .
and creating NR 102.07 (1) of the .
Wisconsin Administrative Code per- .
taining to thermal standards for .
Lake Michigan and initiating thermal .
standards for Lake Superior .
.....

W-69-74

ORDER OF THE STATE OF WISCONSIN NATURAL RESOURCES BOARD

AMENDING AND CREATING RULES

Pursuant to 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 and creates rules as follows:

Section 1. Section NR 102.05 is repealed and recreated as follows:

"NR 102.05 Lake Michigan and Lake Superior Thermal Standards. For Lake Michigan and Lake Superior the following thermal standards are established so as to minimize effects on the aquatic biota in the receiving waters.

(1)(a) Thermal discharges shall not raise the receiving water temperature more than 3°F above the existing natural temperature at the boundary of mixing zones established in subsections (b) and (c).

(b)1. The mixing zone for a shoreline thermal discharge shall be the area included within the perimeter of a rectangular figure extending 1,250 feet in both directions along the shoreline from the outfall and 1,250 feet into the lake.

2. The mixing zone for an offshore thermal discharge shall be the area within a 1,000-foot radius circle with its center at the point of discharge.

(c) The department may, upon request from the owner of a source of thermal discharge, adjust the boundaries of the mixing zone established in subsection (b) for that source. In no case may any mixing zone so established include an area greater than 72 acres nor may it include more than 2,800 feet of shoreline.

(2) In addition to the limitation set forth in subsection (1), but excepting the Milwaukee Harbor, Port Washington Harbor and the mouth of the Fox River, thermal discharges to Lake Michigan shall not raise the temperature of the receiving waters at the boundary of the established mixing zone above the following limits:

January -----	45°F	July -----	80°F
February -----	45°	August -----	80°
March -----	45°	September -----	80°
April -----	55°	October -----	65°
May -----	60°	November -----	60°
June -----	70°	December -----	50°"

Section 2. Section NR 102.07 is created as follows:

"NR 102.07(1). Whenever the owner of any source of thermal discharges, in compliance with department guidelines and after opportunity for public hearing, can demonstrate to the satisfaction of the department no later than July 1, 1976 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 a balanced, indigenous population of shellfish, fish and wildlife in and on the receiving water, or

(b) exempt such thermal discharge from the thermal requirements of this chapter provided this exemption will not endanger the propagation of a balanced, indigenous population of shellfish, fish and wildlife in and on the receiving water.

(2) In the event the 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.

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

Section 3. Sections NR 102.03(5) and NR 102.03(6) are renumbered to be NR 102.03(6) and NR 102.03(7).

Section 4. Section NR 102.03(5) is created as follows:

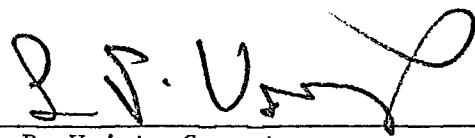
"NR 102.03(5). The thermal mixing zone provisions of this chapter are not applicable to municipal waste and water treatment plants, to vessels, or to discharges to enclosed harbors."

The foregoing rules were approved by the State of Wisconsin Natural Resources Board on April 25, 1975.

The rules contained herein shall take effect upon publication.

Dated at Madison, Wisconsin _____ June 6, 1975 _____

STATE OF WISCONSIN DEPARTMENT OF NATURAL RESOURCES

By  _____
L. P. Voigt, Secretary

(SEAL)