



A/R 170

State of Wisconsin \ DEPARTMENT OF NATURAL RESOURCES

Anthony S. Earl  
Secretary

BOX 7921  
MADISON, WISCONSIN 53707

IN REPLY REFER TO: \_\_\_\_\_


STATE OF WISCONSIN )  
 )  
DEPARTMENT OF NATURAL RESOURCES ) ss

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OCT 30 1978  
11:15 am  
REVISOR OF STATUTES  
BUREAU

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. EI-22-78 was duly approved and adopted by this Department on August 24, 1978. 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 28<sup>th</sup> day of October, 1978.

  
Anthony S. Earl, Secretary

(SEAL)

STATE OF WISCONSIN NATURAL RESOURCES BOARD

.....  
IN THE MATTER of repealing and recreating .  
section NR 170.02 of the Wisconsin Administra- .  
tive Code pertaining to power plant siting .  
.....

EI-22-78

ORDER OF THE STATE OF WISCONSIN NATURAL RESOURCES BOARD

REPEALING AND RECREATING RULES

Pursuant to the authority vested in the State of Wisconsin Natural Resources Board by sections 196.491 and 227.014, Wisconsin Statutes, the State of Wisconsin Natural Resources Board hereby repeals and recreates rules as follows:

SECTION 1 - Section NR 170.02 is repealed and recreated to read:

NR 170.02 Pre-certificate permits and approvals. (1) Upon acceptance of an engineering plan under section NR 170.04, the permits and approvals listed in subs. (2) and (3) are to be designated as permits and approvals which must be obtained prior to the issuance of the certificate of public convenience and necessity as required under s. 196.491(2m), Stats., subject to any waiver approved by the department under section NR 170.05.

(2) The permits and approvals which shall in all cases be designated pre-certificate permits and approvals are:

(a) Operational phase air notice of intent approvals for the main boiler(s) issued under s. 144.39, Stats., for bulk electric generating facilities utilizing fossil or solid fuels as the primary energy source;

(b) Operational phase solid waste approvals issued under s. 144.44, Stats., for bulk electric generating facilities utilizing coal or other solid fuels as the primary energy source;

(c) Operational phase wastewater discharge permits for once through cooling systems under s. 147.02, Stats., and

(d) Permits or approvals for the intake and discharge structures of the facility under s. 30.12 or 30.025, Stats.

(3) The department shall, in consultation with the commission, and within 60 days of the acceptance of the engineering plan, designate any permits and approvals or portions thereof, which must be obtained prior to the issuance of the certificate of public convenience and necessity, in addition to those listed in sub. (2). This designation shall be based upon a determination that the granting or denial of the permits or approvals, or portions thereof, could significantly affect the overall facility design or location.

(4) The necessity of obtaining, prior to the issuance of the certificate, any permit or approval, or portion thereof, which has been designated pre-certificate under this section may be waived pursuant to section NR 170.05.

The foregoing rules were approved and adopted by the State of Wisconsin Natural Resources Board on August 24, 1978.

The rules contained herein shall take effect upon publication.

Dated at Madison, Wisconsin

23 October 1978

STATE OF WISCONSIN DEPARTMENT OF NATURAL RESOURCES

By

Anthony S. Earl  
Anthony S. Earl, Secretary

(SEAL)