

(a) Performance tests or stack tests should follow the procedure and sampling train described in ASME Test Code 27 or other method acceptable to the Department.

(b) Testing procedures other than those described in ASME Test Code 27 should be submitted to the department for approval before testing is begun.

(c) The department should be notified in advance about planned stack tests and may assign a department representative to witness such a test.

(d) Test results from stack tests shall be submitted to the department.

(2) The department may require stack or performance tests to be conducted by persons subject to these rules. Such tests shall be under the direction of a qualified engineer or person approved by the department. These tests are to be conducted in accordance with NR 154.06.

**Note:** A copy of the above publication is available for inspection at the office of the department of natural resources, secretary of state's office and the office of the revisor of statutes, and may be obtained for personal use from the American Society of Mechanical Engineers, 345 East 47th Street, New York, New York 10017.

**History:** Cr. Register, January, 1973, No. 205, eff. 2-1-73.

### SUBCHAPTER 3. FEES, ENFORCEMENT AND SEVERABILITY

NR 101.75 Monitoring fees. (1) An annual monitoring fee shall be paid by each person required to report under chapter NR 101, and shall consist of the following:

(a) *Administrative fee.* A single \$50 administrative fee shall be charged to each person required to report under chapter NR 101.

(b) *Additional fees for effluents.* Additional fees for effluents charged under this chapter shall be determined by the department and shall be based on the concentrations and quantities of substances discharged and calculated according to the fee schedule as established in Table I in NR 101.02.

(c) *Additional fees for air emissions.* 1. A person who emits one or more of the primary pollutants as listed in section NR 101.53 (1) at or above either its daily or yearly reporting level, or both, will be assessed a fee for each such pollutant. A cost of .20 dollars per ton/year is assigned for each of these pollutants. This cost factor multiplied by the output of each pollutant in tons per year will yield the annual surveillance fee for air emissions for each pollutant. There will be a minimum charge of \$10 for each substance in this category requiring a report.

2. A person who emits one or more of the toxic or hazardous substances as listed in Table II, section NR 101.52, at or above either its concentration or emission reporting level, or both, will be assessed a fee for each such substance. A cost factor will be determined for each of these substances by dividing \$50 by the emission reporting level (lb/day). This cost factor multiplied by the daily output of each substance will yield the annual surveillance fee for air emissions for each substance. There will be a minimum charge of \$50 for each substance in this category requiring a report.

(2) Total monitoring fee. The total monitoring fee for each person required to report under chapter NR 101, shall consist of the administrative fee and the sum of all additional fees established under Subchapter 3. No person shall be charged a total monitoring fee in excess of \$10,000 annually.

(3) Due date of fee payment. (a) Persons established in Wisconsin prior to March 1, 1973, who are required to report under this chapter for calendar year 1973, shall register with the Department and pay the \$50 administrative fee prior to June 1, 1973. The Department shall determine the remaining monitoring fees to be paid by each person required to report for calendar year 1973 following the March 1, 1974 due date for annual reports. The Department shall bill each person required to report for the balance of the monitoring fee, with payment on such billing due within 30 days of the date of the billing notice.

(b) Beginning March 1, 1975, under this chapter, the Department shall determine the total monitoring fee to be paid by each person required to report following the due date for annual reports. The Department shall bill each person required to pay a fee, with payment on such billing due within 30 days of the date of the billing notice.

**History:** Cr. Register, January, 1973, No. 205, eff. 2-1-73; reprinted to correct clerical error, Register, March, 1973, No. 207.

**NR 101.76 Violations.** (1) Any person who fails to comply with the fee requirements of chapter NR 101 shall be subject to the penalties specified in section 144.57, Wis. Stats.

(2) Violators of the reporting requirements of chapter NR 101 shall be fined not less than \$200 nor more than \$10,000 for each offense.

**History:** Cr. Register, January, 1973, No. 205, eff. 2-1-73.

**NR 101.77 Contested fees and contested reporting requirements.** Any person aggrieved by the application of this chapter may petition the Department for a hearing. Within 60 days of the close of the hearing, the Department shall enter an order granting the relief requested in the petition, modifying the relief requested or denying the relief requested in the petition.

**History:** Cr. Register, January, 1973, No. 205, eff. 2-1-73.

**NR 101.78 Severability.** Should any section, paragraph, phrase, sentence, or clause of this chapter be declared invalid or unconstitutional for any reason, the remainder of this chapter shall not be affected thereby.

**History:** Cr. Register, January, 1973, No. 205, eff. 2-1-73.

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