

Chapter NR 301

RELATIONSHIP OF WATER REGULATION ENFORCEMENT AND PERMIT PROCEEDINGS

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NR 301.01 Purpose. The purpose of this chapter is to provide a uniform statewide procedure for the processing of enforcement actions for violations of chs. 30, 31 and 88, Stats., when after-the-fact permit applications have been filed by the alleged violator to legalize the activity. It is the natural resources board's policy to encourage timely permit applications so as to permit the department to properly review projects in order to discourage persons from engaging in activities affecting the waters of the state without obtaining prior approval when required by law.

History: Cr. Register, April, 1977, No. 266, eff. 5-1-77.

NR 301.02 Applicability. This chapter is applicable to all department enforcement and permit proceedings commenced pursuant to chs. 30, 31 and 88, Stats.

History: Cr. Register, April, 1977, No. 266, eff. 5-1-77.

NR 301.03 Definitions. For the purpose of this chapter, the following terms are defined as follows:

- (1) "Board" means the natural resources board.
- (2) "Department" means the department of natural resources.

(3) "Environmental damage" means the harming of any wildlife or their habitat including but not limited to fish, bird, animal or plant life, or degradation of the air, land and waters within the state. While the definition of environmental damage is necessarily general, and must be subjectively applied in conformance with applicable statutes.

History: Cr. Register, April, 1977, No. 266, eff. 5-1-77.

NR 301.04 Relationship of enforcement and permit proceedings.

(1) The department shall not process after-the-fact permit or approval applications prior to completing enforcement actions if:

(a) The project is causing or is likely to cause environmental damage;
or

(b) Department staff have an objection to the issuance of the permit or approval based on the relevant statutory standards for issuance of the permit or approval; or

(c) The prosecuting attorney in the enforcement action has not given consent to the processing of the application prior to the completion of the enforcement action.

Register, November, 1979, No. 286
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(2) If an after-the-fact permit is processed prior to the completion of the enforcement action, the department may continue the processing of the enforcement action, regardless of whether the after-the-fact permit is ultimately granted.

(3) This section shall not preclude the department from scheduling a permit application for public hearing on the same day as a s. 30.03 (4) (a), Stats., abatement hearing.

History: Cr. Register, April, 1977, No. 256, eff. 5-1-77.

NR 301.05 Severability. Should any section, paragraph, phrase, sentence, clause or word of this chapter be declared invalid or unconstitutional for any reason, the remainder of this chapter shall not be affected thereby.

History: Cr. Register, April, 1977, No. 255, eff. 5-1-77.