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State of Wisconsin \ DEPARTMENT OF NATURAL RESOURCES

L. P. Voigt  
Secretary

BOX 450  
MADISON, WISCONSIN 53701

IN REPLY REFER TO: 1020

STATE OF WISCONSIN )  
 ) SS  
DEPARTMENT OF NATURAL RESOURCES )

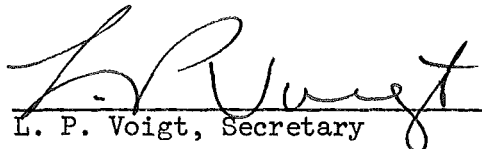
TO ALL TO WHOM THESE PRESENTS SHALL COME, GREETINGS:

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 rules and regulations relating to Natural Resources Board policies were duly approved and adopted by this Department on December 8, 1971.

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 City of Madison, this 28th day of December, 1971.

(SEAL)

  
L. P. Voigt, Secretary

STATE OF WISCONSIN NATURAL RESOURCES BOARD

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IN THE MATTER OF creating Chapter NR 1 of -  
the Wisconsin Administrative Code relating - ORDER NO. M-14-71  
to Natural Resources Board Policies -  
-  
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ORDER OF THE STATE OF WISCONSIN NATURAL RESOURCES BOARD

ADOPTING AND CREATING RULES

Pursuant to sections 144.025, 144.31, 227.01, 227.014, 227.02 (1) (a), and 227.08, Wisconsin Statutes, the Natural Resources Board has adopted the following procedural rules:

SECTION 1. Chapter NR 1 of the Wisconsin Administrative Code is created to read:

NR 1. NATURAL RESOURCES BOARD POLICIES.

SECTION 2. Section NR 1.50 of the Wisconsin Administrative Code is created to read:

NR 1.50. POLICY ON ISSUANCE OF ENVIRONMENTAL POLLUTION ORDERS.

(1) Definitions.

(a) "Department" means the Department of Natural Resources.

(b) "Board" means the Natural Resources Board.

(c) "Air Pollution" means the presence in the atmosphere of one or more air contaminants in such quantities and of such duration as is or tends to be injurious to human health or welfare, animal or plant life, or property, or would unreasonably interfere with the enjoyment of life or property.

(d) "Water Pollution" includes contaminating or rendering unclean or impure the waters of the state, or making the same injurious to public health,

harmful for commercial or recreational use, or deleterious to fish, bird, animal or plant life.

(e) "Rule" means a regulation, standard, statement of policy or general order (including the amendment or repeal of any of the foregoing), of general application and having the effect of law, issued by the department to implement, interpret or make specific legislation enforced or administered by the department or to govern the organization or procedure of the department.

(f) "General Orders" of the department are rules and mean orders issued by the department applicable throughout the state for the construction, use and operation of practicable and available systems, methods and means for preventing and abating environmental pollution.

(g) "Special Orders" of the department mean orders issued by the department applicable to and directing specific persons to secure operating results in the control of environmental pollution within the time or times prescribed in the orders.

(h) "Emergency Orders" of the department mean temporary orders issued by the department under emergency conditions of environmental pollution.

(2) Rules. Rules and general orders shall be adopted in accordance with the provisions of Chapter 227, Wis. Stats. The notice of hearing on each rule requiring a hearing shall include the express terms or an informative summary of the proposed rules.

(3) Special Orders.

(a) Water Pollution:

Special orders shall be issued by the department only after a hearing held for the purpose of ascertaining whether such orders are necessary for controlling or abating environmental pollution. Each proposed special order shall be served upon the persons affected thereby together with the notice of

hearing thereon. The notice of hearing shall also be published as a class 1 notice in a newspaper having wide distribution in the area. Not less than 10 days' notice specifying the time and place of the hearing shall be given by the department. The hearing shall be conducted in accordance with and be governed by Chapter 227, Wis. Stats. After the hearing, the proposed special order may be set aside or it may be modified, amended or affirmed in whole or in part and a special order issued accordingly.

(b) Air Pollution and Solid Waste:

1. In issuing special orders for air pollution and solid waste the department may follow the procedure set forth in sub (a) or
2. The department may serve on alleged violators a notice of alleged violation specifying the statute or rule allegedly violated and findings of fact on which the violation is based. An order shall accompany said notice. The order shall become effective unless the person named in the order requests in writing a hearing within 10 days of the service of the order. If a hearing is requested, the order shall be suspended. After the hearing is closed, the department shall affirm, amend or rescind the order.

(4) Emergency Orders. Emergency orders may be issued by the department without a hearing whenever the department determines that a condition of imminent or actual water or air pollution exists which requires immediate action. The emergency orders shall specify the time and place of hearing thereon, not more than 24 hours after service of the order on the persons affected thereby in the case of air pollution, and as soon as practicable but not more than 20 days after service of the order on the persons affected thereby in cases of water pollution. Before the close of the hearing, and not more than 24 hours after the commencement thereof, the board, in air pollution cases, shall affirm, modify or set aside the emergency order or

issue a special order. In the case of water pollution the department shall modify or rescind the temporary emergency order or issue a special order after the close of the hearing.

(5) Notices. All notices given by the department hereunder shall be served personally or by mail, and shall be deemed to have been served upon deposit in the United States mails addressed to the last known address of the person to whom addressed, with postage prepaid thereon. All petitions and notices to the department shall be served by delivery thereof to the Department of Natural Resources, Pyare Square Building, 4610 University Avenue, Madison, Wisconsin.

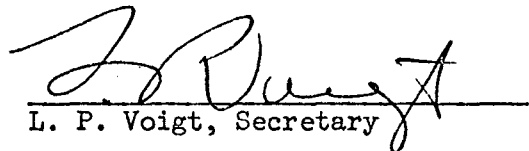
The foregoing rules were approved and adopted by the State of Wisconsin Natural Resources Board on December 8, 1971.

The policies and rules contained herein shall be effective on the first day of the month following publication in the Wisconsin Administrative Register.

Dated at Madison, Wisconsin, this 28th day of December, A.D., 1971.

(SEAL)

STATE OF WISCONSIN  
DEPARTMENT OF NATURAL RESOURCES  
By

  
L. P. Voigt, Secretary