

## Chapter NR 101

**REPORTS AND MONITORING FEES FOR EFFLUENTS  
AND AIR EMISSIONS CONTAINING INDUSTRIAL  
WASTES, TOXIC AND HAZARDOUS SUBSTANCES,  
OR AIR CONTAMINANTS**

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**Preamble**

Section 144.54, Wisconsin Statutes, directs the Department of Natural Resources to require by rule that persons discharging industrial wastes, toxic and hazardous substances, or air contaminants submit a report on these discharges in a form prescribed by the Department. These rules establish and implement such a program.

Section 144.54, Wisconsin Statutes, also establishes an annual monitoring fee to provide for adequate departmental field monitoring and related efforts. This fee is to be paid by each person required to submit a report under these rules, and is to consist of an administrative fee of \$50 plus an additional fee to be set by the Department by rule and to be based on the concentration and quantity of pollutants discharged. These rules establish such a fee program.

Section 144.54 specifically exempts municipalities from these rules.

Reporting levels for industrial wastes, toxic and hazardous substances and air contaminants as established in these rules represent values at which the Department deems it necessary to monitor. Reporting levels do not represent limits on effluents or air emissions. Persons discharging industrial wastes, toxic and hazardous substances or air contaminants remain subject to any formal limits which are implemented.

These rules in no way represent a licensing program for effluents and air emissions. Persons subject to these rules continue in their obligations to meet federal, state, and local pollution control requirements. In addition, pollution sources remain subject to any rules and general or special orders issued by authority of the Department.

These rules are subject to periodic revision to reflect advancing control technology, increasing knowledge of the effect on health of exposure to water and air contaminants, and increased knowledge of the effect of pollutants on plant life, animal life, soils, and water resources.

**SUBCHAPTER 1. EFFLUENT REPORTS**

**NR 101.01 Definitions.** (1) "Effluent" means for the purposes of this subchapter any liquid discharge.

(2) "Land Disposal System" includes but is not limited to septic tank-soil absorption systems, ridge and furrow systems, seepage ponds, spray irrigation systems and other systems where an effluent is disposed of by percolation into the ground.

(3) "Surface Waters" includes ponds, lakes and streams, but does not include privately owned waste water or cooling water holding ponds or waste water treatment lagoons.

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

**NR 101.02 Register of industrial wastes or toxic and hazardous substances.** A register of industrial wastes or toxic and hazardous substances is provided as Table I of this chapter. Table I also includes concentration and quantity reporting levels and fee levels for each substance.

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

**NR 101.03 Persons required to file effluent reports and exemptions.** Each person, except a municipality, discharging industrial wastes or toxic and hazardous substances will be required to file an effluent report with the Department if they fall into one or more of the following four reporting categories and are not exempted in any of the following exemption categories.

(1) **REPORTING CATEGORIES.** (a) Reporting Category I: Persons discharging treated or untreated effluent directly to surface waters of the state.

(b) Reporting Category II: Persons discharging at least 10,000 gallons of effluent per day, one or more days during the year, to a land disposal system or to a municipal sewerage system.

(c) Reporting Category III: Persons discharging less than 10,000 gallons of effluent per day to a land disposal system or municipal sewerage system, when the Department finds surveillance by the state is required to protect the environment.

(d) Reporting Category IV: Persons contributing more than 1 million British thermal units (Btu) per day, one or more days during the year, to the effluent discharged to surface waters.

TABLE I. Register of Industrial Wastes or Toxic and Hazardous Substances

Reporting Levels and Annual Fees for Industrial Wastes or Toxic and Hazardous Substances Discharged at Each Reporting Facility										
Industrial Waste or Toxic and Hazardous Substance Discharged	Substance Code Number	Reporting Levels		For the Combined Discharge of all Effluents to a Municipal Sewerage System		For the Combined Discharge of all Effluents to a Land Disposal Site or System with No Direct Flow to Surface Waters		For the Combined Discharge of all Effluents to Surface Waters Including Effluents to Surface Waters from Land Disposal Systems or Other Treatment Facilities		
		Concentration Added (mg/L-ppm)	Quantity Added (lbs./Day)	Facility Will Report <sup>1</sup>	Facility Will Pay Base Fee <sup>2</sup> (Dollars)	Facility Will Report <sup>1</sup>	Facility Will Pay Base Fee <sup>2</sup> (Dollars)	Facility Will Report <sup>1</sup>	Facility Will Pay Base Fee <sup>2</sup> (Dollars)	Facility Will Pay Additional Fees <sup>3</sup> (Dollars)
Aldrin.....	89330	.0005	---	Yes	5.00	Yes	5.00	Yes	10.00	-----
Ammonia.....	00610	.2	---	No	---	No	---	Yes	10.00	-----
Arsenic.....	01002	.05	.1	Yes	5.00	Yes	5.00	Yes	10.00	-----
Barium.....	01007	1.0	1.0	No	---	No	---	Yes	10.00	-----
Beryllium.....	01012	.1	.1	Yes	5.00	Yes	5.00	Yes	10.00	-----
Boron.....	01022	1.0	1.0	Yes	5.00	Yes	5.00	Yes	10.00	-----
Cadmium.....	01027	.05	.1	Yes	5.00	Yes	5.00	Yes	10.00	-----
Chloride.....	00940	50	50	Yes	5.00	Yes	5.00	Yes	10.00	-----
Chlorine.....	50060	1.0	1.0	No	---	No	---	Yes	10.00	-----
Chromium.....	01024	.1	.1	Yes	5.00	Yes	5.00	Yes	10.00	-----
Cobalt.....	01037	2	2	Yes	5.00	Yes	5.00	Yes	10.00	-----
Copper.....	01042	.1	.1	Yes	5.00	Yes	5.00	Yes	10.00	-----
Cyanide.....	00720	.025	.1	Yes	5.00	Yes	5.00	Yes	10.00	-----
Dieldrin.....	34380	.0005	---	Yes	5.00	Yes	5.00	Yes	10.00	-----
Fecal Coliform Bacteria.....	31616	200/100 ml	---	No	---	No	---	Yes	10.00	-----
Fluoride.....	00951	2	2	Yes	5.00	Yes	5.00	Yes	10.00	-----
Heptachlor.....	39410	.0005	---	Yes	5.00	Yes	5.00	Yes	10.00	-----
Lead.....	01051	.1	.1	Yes	5.00	Yes	5.00	Yes	10.00	-----
Manganese.....	01055	.1	.1	Yes	5.00	Yes	5.00	Yes	10.00	-----
Mercury.....	71900	.0025	.01	Yes	5.00	Yes	5.00	Yes	10.00	-----
Nickel.....	01097	.2	.2	Yes	5.00	Yes	5.00	Yes	10.00	-----
Nitrate Nitrogen.....	00620	.2	---	No	---	No	---	Yes	10.00	-----
Nitrite Nitrogen.....	00615	.2	---	No	---	No	---	Yes	10.00	-----
Nitrogen (Kjeldahl).....	00625	.2	---	No	---	No	---	Yes	10.00	-----
Oils, Fats, Grease and Other Substances Measured by Oils, Fats and Grease Detection Methods.....	00550	5.0	---	Yes	5.00	Yes	5.00	Yes	10.00	-----
Oxygen Consuming Wastes Measured by the 5-Day BOD Test or Equivalent Tests.....	00310	5.0	10	Yes	5.00	No	---	Yes	10.00	.04/lb. for an avg. days Discharge

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Reporting Levels and Annual Fees for Industrial Wastes or Toxic and Hazardous Substances  
Discharged at Each Reporting Facility

Industrial Waste or Toxic and Hazardous Substance Discharged	Substance Code Number	Reporting Levels		For the Combined Discharge of all Effluents to a Municipal Sewerage System		For the Combined Discharge of all Effluents to a Land Disposal Site or System with No Direct Flow to Surface Waters		For the Combined Discharge of all Effluents to Surface Waters Including Effluents to Surface Waters from Land Disposal Systems or Other Treatment Facilities		
		Concentration Added (mg/L-ppm)	Quantity Added (lbs/Day)	Facility Will Report <sup>1</sup>	Facility Will Pay Base Fee <sup>2</sup> (Dollars)	Facility Will Report <sup>1</sup>	Facility Will Pay Base Fee <sup>2</sup> (Dollars)	Facility Will Report <sup>1</sup>	Facility Will Pay Base Fee <sup>2</sup> (Dollars)	Facility Will Pay Additional Fees <sup>3</sup> (Dollars)
Phenols and Other substances										
Measured by Phenol										
Detection Methods.....	32730	.05	----	Yes	5.00	Yes	5.00	Yes	10.00	-----
Phosphorus.....	00665	.1	----	Yes	5.00	No	----	Yes	10.00	-----
Polychlorinated Biphenyls.....	55555	.0005	----	Yes	5.00	Yes	5.00	Yes	10.00	-----
Radioactive Substances.....		See Footnote 4	----	----	----	----	----	----	----	-----
Selenium.....	01147	.05	.1	Yes	5.00	Yes	5.00	Yes	10.00	-----
Sulfate.....	00945	10	10	Yes	5.00	Yes	5.00	Yes	10.00	-----
Sulfide.....	00745	1	1	Yes	5.00	Yes	5.00	Yes	10.00	-----
Sulfite.....	00740	2	2	Yes	5.00	Yes	5.00	Yes	10.00	-----
Suspended Solids.....	00530	10	10	Yes	5.00	No	----	Yes	10.00	.02/lb. for an avg. days Discharge
Thallium.....	01059	.05	.1	Yes	5.00	Yes	5.00	Yes	10.00	-----
Thermal Discharges.....	00015	Report temp. & vol. of thermal discharges to surface waters if not exempted in NR 101.03 (1) (d)		No	----	No	----	Yes	10.00	.04/million Btu for an average days Discharge
Zinc.....	01092	.1	.1	Yes	5.00	Yes	5.00	Yes	10.00	-----

<sup>1</sup>The facility will report if the concentration and/or quantity reporting level established for each substance in Table I is exceeded one or more days per year.

<sup>2</sup>The base fee shall be charged if the concentration and/or quantity reporting level is exceeded one or more days per year.

<sup>3</sup>An average days discharge shall be calculated by dividing the estimate of the total discharge for the calendar year by the number of days of discharge during the calendar year.

<sup>4</sup>Provide duplicate reports of radioactive materials discharged to the effluent if your facility is required to make such reports to the U.S. Atomic Energy Commission.

(2) EXEMPTION CATEGORIES. (a) Exemption Category I: Persons discharging effluents to which they have contributed none of the industrial wastes or toxic and hazardous substances listed in Table I, or have contributed none in concentrations or quantities in excess of those listed in Table I, are exempted from filing reports and paying monitoring fees on such discharges.

(b) Exemption Category II: Persons may subtract concentrations and quantities of industrial wastes or toxic and hazardous substances contained in the influent from those contained in the corresponding effluent prior to determining reporting levels and fees under these rules.

(c) Exemption Category III: All cooling water discharges except those specified in Reporting Category IV are exempted unless substances are contributed to the effluent in concentrations or quantities in excess of those listed in Table I.

(d) Exemption Category IV: Sanitary waste effluents resulting only from sanitary facilities including washrooms, toilets, and kitchens need not be reported. This exemption does not include effluents from laundromats, laundries or other commercial washing facilities.

(e) Exemption Category V: Agricultural land runoff from land used exclusively for crop production need not be reported.

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

**NR 101.04 Content of reports.** The following information shall be included in reports required by NR 101.03.

(1) GENERAL FACILITY INFORMATION. (a) Name and address of facility.

(b) Location and nature of business.

(c) Normal schedule of hours of operation.

(d) Normal schedule of days of operation.

(e) Name and address of parent corporation if different from that of the reporting facility.

(f) Name and telephone number of person to contact on effluent matters.

(2) INDUSTRIAL WASTES OR TOXIC AND HAZARDOUS DISCHARGES.

(a) Map or general layout of the plant showing where the various effluent streams enter the waters of the state, sewerage system, or land disposal system.

(b) The name of the watercourse or waters, sewerage system, or land disposal system receiving the effluent.

(c) Estimates of both the annual quantity in gallons of effluent discharged and the average daily quantity in gallons of effluent discharged based on days during the year when discharge occurs.

(d) Concentrations and quantities of industrial wastes or toxic and hazardous substances contributed to the effluent in excess of reporting levels established in Table I.

(e) Temperatures and volumes of thermal discharges to surface water specified in NR 101.03 (1) (d)

(f) The pH range of effluents.

(g) A brief description of the manner and amount of raw materials used which produce the industrial wastes or toxic and hazardous substances being reported.

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

**NR 101.05 Due dates of reports.** All persons required to file effluent reports as determined by NR 101.03 shall do so according to the following schedule.

(1) **Annual Reporting:** Annual reports shall be due prior to March 1 for the preceding calendar year. The first report shall be due prior to March 1, 1974 for the calendar year 1973. Persons established in Wisconsin prior to March 1, 1973, who are required to report under this subchapter for calendar year 1973, shall register for reporting with the Department by June 1, 1973. Persons who establish new facilities in Wisconsin on or after March 1, 1973, who are required to report under this subchapter, shall register with the Department for reporting within 90 days of the commencement of the operation of the new facilities.

(2) **More Frequent Reporting:** In addition to annual reporting, certain persons will be required to report more frequently as follows:

(a) Pulp and paper mills discharging to surface waters shall report wastewater volumes, pH, 5-day BOD, and suspended solids for each day of operation. Monthly reports of daily discharges will be required within 30 days of each calendar month, commencing in the 90-day period following the effective date of these rules.

(b) Electric power generating plants exceeding 1 billion Btu contribution per day to the heat content of the effluent shall report cooling water volumes and the maximum, minimum and average temperatures of the waters at the plant intake and outfall for each day of operation. Monthly reports of daily discharges will be required within 30 days of each calendar month, commencing in the 90-day period following the effective date of these rules.

(c) The Department may, in the issuance of pollution abatement orders, establish reporting schedules in addition to those specified in this subchapter.

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

**NR 101.06 Methods of analysis.** All persons required to file effluent reports as determined by NR 101.03 shall determine the concentrations and quantities of the industrial wastes and toxic and hazardous substances in the following manner.

(1) Each person shall establish accurate and reliable data to verify reports submitted to the Department under this subchapter. Such data may include pertinent materials balance information and/or effluent sampling and analysis. Each person shall maintain such data for a period of three years following the due dates for reports in the event that the Department wishes to review and inspect the data.

(2) Where effluent sampling and analysis is necessary to provide information required in the reports, effluent samples shall be collected and analyzed in a manner and frequency sufficient to provide accurate and reliable estimates of each person's discharge of industrial wastes or toxic and hazardous substances. All methods of sample preservation and analysis used in applying any of the rules and regulations of this subchapter shall be in accord with those prescribed in the 13th edition (1971) of "Standard Methods for the Examination of Water and Wastewater" published by the American Public Health Association, "1972 Annual Book of ASTM Standards" published by the American Society for Testing and Materials or

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"Methods for Chemical Analysis of Water and Wastes 1971" published by the Federal Environmental Protection Agency Water Quality Office. Any other procedures must be approved by the Department.

**Note:** Copies of the above publications are 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 Public Health Association, Inc., 1790 Broadway, New York, New York 10019, American Society for Testing and Materials, 1916 Race St., Philadelphia, Pennsylvania 19103 and EPA Water Quality Office, 1014 Broadway, Cincinnati, Ohio 45268.

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

## SUBCHAPTER 2. AIR EMISSION REPORTS

**NR 101.51 Definitions.** Definitions for terms used in this chapter are as follows:

(1) **ASME:** American Society of Mechanical Engineers, 345 East 47th Street, New York, New York 10017.

(2) **Cost Factor:** Cost per unit emission rate. In this report cost factors have the units of dollars per ton/year or dollars per pound/day.

(3) **Department:** The Department of Natural Resources, State of Wisconsin.

(4) **Emission:** The act of releasing or discharging air pollutants into the ambient air.

(5) **Nitrogen Oxides:** All oxides of nitrogen except nitrous oxide.

(6) **Particulates or Particulate Matter:** Any material which exists as a solid at standard conditions.

(7) **Performance Test:** Measure of emissions or other procedure used for the purpose of determining compliance with a standard of performance.

(8) **Reporting Level:** A standard of performance used for determining reporting requirements under these rules.

(9) **Stack:** Any device or opening designed or used to emit air contaminants into the ambient air.

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

**NR 101.52 Register of toxic and hazardous substances.** A register of toxic and hazardous substances is provided as Table II of this chapter. Table II also includes concentration reporting levels, emission reporting levels and cost factors for each substance. Concentration reporting levels represent values at 70° F and 1 atmosphere pressure.

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

TABLE II. Register of Toxic and Hazardous Substances

Substance	Sub- stance Code Number	Concen- tration Reporting Level (mg/m <sup>3</sup> )	Emission Reporting Level (lb/day)	Cost Factor (dollar/ lb/day)
Antimony and its compounds.....	001	5.0	10.40	4.81
Arsenic and its compounds.....	002	5.0	10.40	4.81
Barium and its compounds.....	003	5.0	10.40	4.81
Beryllium and its compounds.....	004	0.02	.04	1,250.00
Bromine.....	005	7.0	14.56	3.43
Cadmium and its compounds.....	006	2.0	4.16	12.02
Chlorine.....	007	30.0	62.40	.80
Chromic acid and chromates.....	008	1.0	2.08	24.04
Chromium and its compounds.....	009	5.0	10.40	4.81
Cobalt fume and dust.....	010	1.0	2.08	24.04
Copper fume and dust.....	011	1.0	2.08	24.04
Cyanides.....	012	50.0	104.00	.48
Fluorine.....	013	20.0	41.60	1.20
Hydrogen Chloride.....	014	70.0	145.60	.34
Hydrogen Fluoride.....	015	20.0	41.60	1.20
Iron, water soluble salts.....	016	10.0	20.80	2.40
Lead and its compounds.....	017	1.5	3.12	16.03
Manganese and its compounds.....	018	50.0	104.00	.48
Mercury (alkyl compounds).....	019	.10	.21	238.10
Mercury and its compounds (except alkyl).....	020	.50	1.04	48.08
Molybdenum and its compounds.....	021	50.0	104.00	.48
Nickel carbonyl.....	022	.07	.15	333.33
Nickel and its water soluble compounds.....	023	10.0	20.80	2.40
Nitric acid and its anhydride as HNO <sub>3</sub> .....	024	50.0	104.00	.48
Phosphoric acid and its anhydride as H <sub>3</sub> PO <sub>4</sub> .....	025	10.0	20.80	2.40
Phosphorous (yellow).....	026	1.0	2.08	24.04
Platinum, water soluble salts.....	027	.02	.04	1,250.00
Selenium and its compounds.....	028	2.0	4.16	12.02
Sulfuric acid and its anhydride as H <sub>2</sub> SO <sub>4</sub> .....	029	10.0	20.80	2.40
Thallium, water soluble compounds.....	030	1.0	2.08	24.04
Tin and its compounds.....	031	20.0	41.60	1.20
Uranium and its compounds.....	032	2.0	4.16	12.02
Vanadium and its compounds.....	033	5.0	10.40	4.81

**NR 101.53 Persons required to file emission reports.** Each person operating a source of air contaminants, except a municipality, shall report if they fall into one or more of the following three categories.

(1) Category I: A daily reporting level of .25 tons per day of operation is established for each of the six primary pollutants listed in this category. A yearly reporting level of 50 tons per year is also established for each of these pollutants. These pollutants are:

- (a) Particulates
- (b) Sulfur Dioxide
- (c) Nitrogen Oxides
- (d) Carbon Monoxide
- (e) Hydrocarbons
- (f) Oxidants

Persons permitting emission of one or more of these pollutants at or above either its daily reporting level or yearly reporting level or both shall report.

(2) Category II: Persons permitting emission of any toxic or hazardous substance listed in Table II, at or above either its concentration reporting level or emission reporting level, or both, shall report.

(3) Category III: Persons permitting emission into the ambient air of any substance or combination of substances in such quantities as to constitute a malodorous emission under NR 154.18, shall report.

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

NR 101.54 **Contents of reports.** The following information shall be included in reports required by NR 101.53.

(1) **General Source Information:** All persons who are required to report shall report the following:

- (a) Name and address of facility.
- (b) Person to contact on air pollution matters and his telephone number.
- (c) Hours of operation per day.
- (d) Days of operation per year.
- (e) Map or general layout of complex plants showing locations of various operations and sources of air contamination.
- (f) Any monitoring equipment used.

(2) **Fuel Combustion:** Persons who are required to report and whose emission of contaminants into the air is fully or in part the result of fuel combustion shall report the following:

- (a) Number of boilers.
- (b) Types of fuel burning equipment for each boiler.
- (c) Rated capacity of each boiler.
- (d) Types of fuel burned, quantities, and characteristics:
  1. Type of each fuel and place of origin.
  2. Maximum and average quantity per hour.
  3. Quantity per year.
  4. Hours of operation per day.
  5. Sulfur content (as received), percent
  6. Ash content (as received), percent
  7. Heat content of fuel (as received), Btu

(e) Percent used for space heating and process heat.

(f) **Air pollution control equipment (existing and proposed):**

1. Type
2. Collection efficiency as percent (design and actual)

(g) **Stack data.**

1. List stacks by boilers served
2. Stack height
3. Stack diameter (inside top)

(h) Emission data as requested by the Department.

(3) **Manufacturing Activities (Process Losses):** Persons who are required to report and whose emission of contaminants into the air is fully or in part the result of manufacturing activities or process losses shall report the following:

(a) Process name and description of each product.

(b) Quantity of raw materials used and handled for each product, maximum quantity per hour, and average quantity per year.

(c) Description of annual, seasonal, monthly, weekly, and daily operating cycle including downtime for maintenance and repairs.

(d) **Air pollution control equipment (existing and proposed).**

1. Type
2. Collection efficiency as percent (design and actual)

(e) **Stack data.**

1. List of stacks by equipment served
2. Stack height
3. Stack diameter (inside top)

(f) Emission data as requested by the Department.

(4) **Incineration:** Persons who are required to report and whose emission of contaminants into the air is fully or in part the result of incineration shall report the following:

- (a) Type of waste.
  - (b) Percent of waste which is combustible.
  - (c) Capacity of incinerator.
  - (d) Air pollution control equipment (existing and proposed).
    - 1. Type
    - 2. Collection efficiency as percent (design and actual)
  - (e) Stack data.
    - 1. List of stacks by incinerators served
    - 2. Stack height
    - 3. Stack diameter (inside top)
  - (f) Emission data as requested by the Department.
  - (5) Toxic and Hazardous Substances: Persons who are required to report and whose emission of contaminants into the air consists fully or in part of one or more of the toxic and hazardous substances as presented in Category II of NR 101.53 (2), must report the following:
    - (a) Substances emitted and their source.
    - (b) Amount used.
    - (c) General processes from which the substances are emitted.
    - (d) Quantity of substances emitted per year and per operating day.
    - (e) Air pollution control equipment (existing and proposed) for limiting emissions of substances.
      - 1. Type
      - 2. Collection efficiency as percent (design and actual)
    - (f) Manner in which the substances are emitted.
    - (g) Emission data as requested by the Department.
  - (6) Malodorous Emissions: Persons who are required to report and whose emission of contaminants into the air consists fully or in part of a substance or combination of substances whose odor is deemed objectionable must report the following:
    - (a) Cause of odor.
    - (b) Manner in which odor is emitted.
    - (c) Quantity of odorous substance or substances emitted per year.
- An estimate of this quantity may be made if the basis for such an estimate is included.
- (d) Odor control equipment.
    - 1. Type
    - 2. Abatement efficiency (design and actual)

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

**NR 101.55 Due dates of reports.** Annual Reporting: Annual reports shall be due prior to March 1 for the preceding calendar year. The first report shall be due prior to March 1, 1974 for the calendar year 1973. Persons established in Wisconsin prior to March 1, 1973, who are required to report under this subchapter for calendar year 1973, shall register for reporting with the Department by June 1, 1973. Persons who establish new facilities in Wisconsin on or after March 1, 1973, who are required to report under this subchapter, shall register with the Department for reporting under these rules within 90 days of the commencement of the operation of the new facilities.

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

**NR 101.56 Methods of analysis.** (1) Each person may on his own behalf submit to the Department the results and data from his own performance tests, stack tests, or emission calculations. These results shall be reviewed and evaluated by the Department. Acceptable stack tests or performance tests should be conducted under these guidelines.

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(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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