



State of Wisconsin

CR 83-218

DEPARTMENT OF NATURAL RESOURCES

Carroll D. Besadny  
Secretary

BOX 7921  
MADISON, WISCONSIN 53707

RECEIVED

STATE OF WISCONSIN )  
DEPARTMENT OF NATURAL RESOURCES )

ss

AUG 1 1984  
10:30 am  
Revisor of Statutes  
Bureau

TO ALL TO WHOM THESE PRESENTS SHALL COME, GREETINGS:

I, Carroll D. Besadny, 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. WQ-43-83 was duly approved and adopted by this Department on April 25, 1984. 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 General Executive Facility #2 in the City of Madison, this 24<sup>th</sup> day of July, 1984.

*Carroll D. Besadny*  
Carroll D. Besadny, Secretary

(SEAL)

3443I

10-1-84

ORDER OF THE STATE OF WISCONSIN NATURAL RESOURCES BOARD

RENUMBERING, AMENDING AND CREATING RULES

.....  
IN THE MATTER of renumbering ch. NR 3 and .  
s. NR 203.01(4) and (5); amending ss. NR .  
203.02(1) and (4)(d), 203.03(1), 203.04, .  
203.05(1), and (3), 203.10, 203.13(2) .  
(b) and (c), (3)(a), (f), (g) and (i), .  
203.15(1)(a) and 203.18(3); and creating .  
s. NR 203.01(4) of the Wisconsin Admini- .  
strative Code pertaining to the Wisconsin .  
Pollutant Discharge Elimination System .  
Public Participation Procedures .  
.....

WQ-43-83

Analysis Prepared by Department of Natural Resources

Chapter NR 3, Wis. Adm. Code, sets out the public participation procedures for the Wisconsin Pollutant Discharge Elimination System (WPDES). Included in these rules is the information required in a notice of the receipt of a completed permit application issued by the Department when a completed WPDES permit application has been received by the Department of Natural Resources. Procedures for requesting, noticing and conducting a public informational hearing or an adjudicatory hearing are specified in this code.

All the other Wisconsin Administrative Code chapters relating specifically to the WPDES permit program are contained in the NR 200 series. It is the intent of the Department to renumber ch. NR 3 to be NR 203 so that it is located with other codes relating to the same program.

It is also proposed to include in this chapter the definition of WPDES general permits, and reference to the public notice and informational hearing requirements for general permits which will be contained in ch. NR 205. General permits are authorized by s. 147.023, Stats. Public informational and adjudicatory hearing procedures contained in ch. NR 203 as renumbered will be amended to allow their use for hearings on general permits.

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Pursuant to the authority vested in the State of Wisconsin Natural Resources Board by ss. 227.014(2)(a), Stats., the State of Wisconsin Natural Resources Board hereby renumbers, amends and creates rules interpreting ss. 147.023, 147.09, 147.11, 147.13 and 147.20, Stats., as follows:

SECTION 1. Chapter NR 3 is renumbered chapter NR 203.

SECTION 2. NR 203.01(4) and (5) are renumbered 203.01(5) and (6).

SECTION 3. NR 203.01(4) is created to read:

NR 203.01(4). GENERAL PERMIT. "General permit" means a permit for the discharge of pollutants issued by the department under s. 147.023, Stats.

SECTION 4. NR 203.02(1) as renumbered is amended to read:

NR 203.02(1) INTENT. Public notice of the receipt of a completed permit application is intended to inform interested and potentially interested members of the public of a completed application, the tentative determination to issue or deny the permit as required in s. 147.09, Stats., and the public's right to obtain additional information, submit written comments, or request a public hearing with respect to issuance of a particular permit. Public notice procedures for the issuance of general permits are contained in s. NR 205.08.

SECTION 5. NR 203.02(4)(d) as renumbered is amended to read:

NR 203.02(4)(d) Mailing the notice to individuals and groups on a formal department WPDES permit application mailing list. Requests to be placed on ~~said~~ the mailing list shall be directed to the Department of Natural Resources, WPDES Permits, P.O. Box 7921, Madison, Wisconsin 53707.

SECTION 6. NR 203.03(1) as renumbered is amended to read:

NR 203.03(1) INTENT. The intent for providing notice of a completed permit application to government agencies is to inform interested and potentially interested federal, state, and local government agencies of a completed application, the tentative determination to issue or deny the permit, and their right to obtain additional information, submit written comments, or request a public hearing with respect to issuance of a particular permit. Notification to government agencies of the proposed issuance of general permits shall be in accordance with s. NR 205.08.

SECTION 7. NR 203.04 as renumbered is amended to read:

NR 203.04 INTENT AND SCOPE. The regulations in this chapter prescribe the policies and procedures to be followed in issuing the notice of and the conducting of a public informational hearing and deciding the final determination as to whether to issue or deny a permit authorizing

discharges into the waters of the state of Wisconsin. A public informational hearing, either mandatory or discretionary on the department, is to give all interested persons an additional opportunity to make a statement with respect to a proposed permit or permit application and to have such statements considered in the final determination. The promulgation of the regulations in this chapter is by authority of ss. 147.13(1)(c) and (2)(b), Stats.

SECTION 8. NR 203.05(1) (Intro.) as renumbered is amended to read:

NR 203.05(1) DISCRETIONARY HEARING (Intro.). The department may schedule a public hearing on a proposed permit or permit application if requested by:

SECTION 9. NR 203.05(3) as renumbered is amended to read:

NR 203.05(3) FORM OF REQUEST OR PETITION. Any request or petition for hearing filed pursuant to this section shall be in writing and dated. The request or petition for hearing shall indicate the interest of the party filing the ~~same~~ request or petition, the issues that ~~said~~ the party desires to be considered at the hearing and the number of the proposed permit or application.

SECTION 10. NR 203.10(5) as renumbered is amended to read:

NR 203.10(5) REPORT OF PUBLIC PARTICIPATION. The hearing examiner shall make a written report of public participation during the hearing process. Copies of ~~said~~ the report may be obtained at reasonable cost by request to the Bureau of Legal Services, P.O. Box 7921, Madison, Wisconsin 53707.

SECTION 11. NR 203.13(2)(b) and (c) as renumbered are amended to read:

NR 203.13(2)(b) The name and address of the applicant for a permit, or the class or category of discharger covered by a general permit.

(c) A brief description of the ~~applicant's~~ activities or operations which result in the discharge described in the proposed permit or permit application.

SECTION 12. NR 203.13(3)(a),(f),(g) and (i) as renumbered are amended to read:

NR 203.13(3)(a) The applicant or applicants for ~~the~~ a permit.

(f) The ~~county and~~ city, town or village where the proposed discharge is located for individual permits.

(g) The county and regional planning commission of the area where the proposed discharge is located.

(i) All individuals and groups upon request or on a formal department mailing list. Requests to be placed on ~~and~~ the mailing list shall be directed to the Department of Natural Resources, W.P.D.E.S. Permits, P.O. Box 7921, Madison, Wisconsin 53707.

SECTION 13. NR 203.15(1)(a) as renumbered is amended to read:

NR 203.15(1)(a) The denial, modification, suspension or revocation of a W.P.D.E.S. permit pursuant to s. 147.02, 147.023 ~~and~~ or 147.03, Stats.

SECTION 14. NR 203.18(3) as renumbered is amended to read:

NR 203.18(3) CIRCULATION OF NOTICE. The notice of hearing shall be circulated pursuant to the provisions of ~~sections NR-3.02(4) and NR-3.03(4), Wis. Adm. Code,~~ ss. NR 203.02(4) and 203.03(4) at least 30 days prior to the hearing. If it should be necessary to allow less than 30 days' notice prior to a hearing, the hearing notice shall state the reasons for the shorter time period.

The foregoing rules were approved and adopted by the State of Wisconsin Natural Resources Board on April 25, 1984.

The rules contained herein shall take effect as provided in s. 227.026(1) (Intro.), Stats.

Dated at Madison, Wisconsin

July 24, 1984

STATE OF WISCONSIN DEPARTMENT OF NATURAL RESOURCES

By Carroll D. Besadny  
Carroll D. Besadny, Secretary

(SEAL)

4207W



State of Wisconsin

DEPARTMENT OF NATURAL RESOURCES

Carroll D. Besadny  
Secretary

BOX 7921  
MADISON, WISCONSIN 53707

July 24, 1984

IN REPLY REFER TO: 1020

Mr. Orlan L. Prestegard  
Revisor of Statutes  
411 West  
C A P I T O L

Dear Mr. Prestegard:

Enclosed are two copies, including one certified copy, of State of Wisconsin Natural Resources Board Order No. WQ-43-83. These rules were reviewed by the Assembly Committee on Environmental Resources and the Senate Committee on Energy and Environmental Resources pursuant to s. 227.018, Stats. Summaries of the final regulatory flexibility analysis and comments of the legislative review committees is also enclosed.

You will note that this order takes effect following publication. Kindly publish it in the Administrative Code accordingly.

Sincerely,

  
C. D. Besadny  
Secretary

Enc.

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