

Chapter NR 107

AQUATIC NUISANCE CONTROL

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Note: Chapter NR 107 as it existed on November 30, 1975 was repealed and a new Chapter NR 107 was created effective December 1, 1975.

NR 107.01 Applicability. All sponsors of chemical aquatic nuisance control projects on waters of the state must obtain a permit from the department of natural resources except as provided in Wis. Adm. Code section NR 107.08.

History: Cr. Register, November, 1975, No. 239, eff. 12-1-75.

NR 107.02 Application for permit. (1) The application for permit shall be made in duplicate on forms provided by the department and shall be submitted to the appropriate district director of the department of natural resources.

District headquarters locations:

1. Southern—Madison 53711
2. Southeast—Milwaukee 53226
3. Lake Michigan—Green Bay 54303
4. North Central—Rhineland 54501
5. West Central—Eau Claire 54701
6. Northwest—Spooner 54801

(2) The application shall be accompanied by:

- (a) A \$5.00 application fee;
- (b) A legal description of the body of water proposed for treatment including township, range and section number;
- (c) The block, lot number and fire numbers riparian to the body of water if available;
- (d) One copy of a detailed map or sketch of the body of water with the maximum proposed treatment area outlined;
- (e) An identification of target nuisance (weeds, algae, etc.);
- (f) The trade names of chemicals proposed for usage.

History: Cr. Register, November, 1975, No. 239, eff. 12-1-75.

NR 107.03 Issuance of permit. (1) The department shall respond to the application for a permit within 10 working days after receipt of the application. Unless subsection (2) applies, the department will either grant, grant in part or deny a permit at that time. If a permit is granted, it shall contain the conditions required by this chapter. If denied, the department shall state the reasons for denial.

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(2) The department will notify the applicant within 10 working days after receipt of the application if an environmental impact report under section 23.11, Wis. Stats., or an environmental impact statement under section 1.11, Wis. Stats., is required. If required, no action on the application will be taken until the report or statement is completed.

(3) Permits shall be issued for a single treatment season and shall expire on December 31 of the year in which they were issued, unless another date is specified.

History: Cr. Register, November, 1975, No. 239, eff. 12-1-75.

NR 107.04 Supervision. (1) Unless specifically exempted by this chapter, all applications of chemicals for the control of aquatic nuisances shall be supervised by a department representative, physically present at the time chemicals are applied. The cost of such onsite supervision shall be charged to the sponsor of the project at a rate of \$20 for the first hour, or part thereof, and \$5 per hour for each subsequent hour, or part thereof, on the same day.

(2) The department may waive the onsite supervision requirement for weed control projects which meet all of the following conditions:

(a) The proposed treatment area encompasses a total of one acre or less;

(b) The treatment area is limited to the waters adjacent to the applicant's own shoreline;

(c) The total treatment on a proposed lake does not exceed 10% of the shoreline;

(d) Chemicals used are endothal, diquat or 2,4-D (iso-octyl or ethyl-hexyl ester formulation); and

(e) Products used must be registered by the Wisconsin department of agriculture for aquatic use.

(3) The department may waive onsite supervision when the body of water is a pond located totally on the land of the applicant and the discharge can be controlled to prevent chemical loss from the pond.

History: Cr. Register, November, 1975, No. 239, eff. 12-1-75.

NR 107.05 Conditions of the permit. (1) The applicant shall notify the district director 2 working days in advance of the anticipated treatment date so a supervisor may be made available on the date required.

(2) When onsite supervision is waived, the applicant shall submit an aquatic nuisance control treatment report on a form supplied by the department, within 30 days after the treatment.

(3) The sponsor shall be responsible for posting those areas of public use in accordance with water use restrictions stated on the chemical label including but not limited to the following:

Type of Control	Chemical	Swimming Restriction	Fish Consumption Restriction	Animal Watering, Household, Irrigation, Restrictions, etc.
Algae	Chelated copper sulfate, Copper sulfate	None None	None None	None None
Swimmers' Itch	Copper sulfate +copper carbonate Copper sulfate + lime	None None	None None	None None
Rooted Weeds	Endothal amine (granular), Endothal, diquat, 2,4-D (iso-octyl or ethyl-hexyl ester formulation)	1 day 1 day 10 days 1 day	3 days 3 days 10 days 3 days	7 days 7 days 10 days Can't Be Used (See label)

(4) All chemicals used must be labeled for such use by the federal environmental protection agency and registered for aquatic use by the Wisconsin department of agriculture, except when used under field evaluation permit, Wis. Adm. Code section NR 107.07.

History: Cr. Register, November, 1975, No. 239, eff. 12-1-75.

NR 107.06 Prohibited chemicals. Silvex (2,4,5-TP) may not be used for aquatic nuisance control in "waters of the state" as defined in chapter 144.01 (1), Wis. Stats.

History: Cr. Register, November, 1975, No. 239, eff. 12-1-75.

NR 107.07 Field evaluation use permits. (1) When a chemical product is considered for aquatic nuisance control and does not have a federal label for such use or for a specific nuisance species, the department may issue a field evaluation use permit. Such permits shall be issued for the purpose of evaluating product effectiveness and safety under field conditions. All such uses will be subject to onsite supervision requirements of Wis. Adm. Code section NR 107.04 (1). In addition to the conditions of the permit specified in Wis. Adm. Code section NR 107.05, the following conditions will apply to field evaluation use permits:

(a) Treatment shall be limited to an area specified by the department;

(b) The sponsor of a field evaluation use permit shall submit a summary of treatment results at the end of the treatment season. The summary shall include the following:

1. Total chemical used and distribution pattern, including chemical trade name, formulation and dosage rate in parts per million of active ingredient;

2. Description of treatment areas including the dimensions and the extensiveness of the nuisance present;

3. Effectiveness of the application and when applicable, a summary comparison of the results obtained from past experiments using the same chemical formulation;

4. Other pertinent information of ecological importance;
5. Conclusions and recommendations for future use on a routine basis.

History: Cr. Register, November, 1975, No. 239, eff. 12-1-75.

NR 107.08 Exemptions. (1) The use of chemicals in accordance with label instructions is exempt from the provisions of this chapter, when used in:

- (a) Water tanks used for potable water supplies,
 - (b) Swimming pools,
 - (c) Ground waters,
 - (d) Waste water holding tanks.
- (2) Waters of the state which are licensed under section 29.52, Wis. Stats., are exempted from the permit requirements of this chapter.

History: Cr. Register, November, 1975, No. 239, eff. 12-1-75.