

Chapter NR 154

AIR POLLUTION CONTROL

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History: Chapter NR 154 as it existed on March 31, 1972 was repealed and a new chapter NR 154 was created, Register, March, 1972, No. 195, effective April 1, 1972.

FOREWORD

Chapter 144, Stats., directs the department of natural resources to organize a comprehensive program to enhance the quality, management, and protection of the state's air resources. These rules are one part of that program. Chapter 144 also stresses the role of county government in establishing local air pollution control programs in cooperation with the department.

The objectives of these rules are to maintain standards of air quality at a level which will provide adequate protection to public health and welfare, and to prevent detrimental effect on property and our environment.

Nothing in these rules or in ch. 144, Stats., prohibits a county or local jurisdiction from adopting more restrictive ordinances where local conditions indicate their need. These rules, all or in part, may be adopted by reference by a county or municipality.

It shall be the policy of the department to seek reasonable uniformity among local air pollution control ordinances in order to make the statewide comprehensive program more effective and less complicated for all persons concerned.

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

NR 154.01 Definitions. (1) ~~"Accumulator" means the reservoir of a condensing unit receiving the condensate from the condenser. This includes hot wells.~~

(2) ~~"Affected facility" is any type or class of air contaminant source which is required to submit a notice of intent and plans and specifications to the department prior to construction.~~

(3) ~~"Air contaminant" means dust, fumes, mist, liquid, smoke, other particulate matter, vapor, gas odorous substances, or any combination thereof but not including uncombined water vapor.~~

Register, September, 1979, No. 285
Environmental Protection

~~(0.0019 pounds per square inch absolute) at standard conditions, excluding carbon monoxide, carbon dioxide, carbonic acid, metallic carbides or carbonates, and ammonium carbonate.~~

~~(152) "Wastewater (oil/water) separator" means any device or piece of equipment which utilizes the difference in density between oil and water to remove oil and associated chemicals from water. This includes any device, such as a flocculation tank, clarifier, etc., which removes petroleum-derived compounds from wastewater.~~

History: Cr. Register, March, 1972, No. 195, eff. 4-1-72, renum. (41) (a) 6 to be (41) (c); am. (41) (c) 3. and 4., Register, December, 1972, No. 204, eff. 1-1-73; r. and recr., Register, June, 1975, No. 234, eff. 7-1-76; renum. (3) (b) and (c) to be (3) (c) and (d), renum. (3) (a) 3. to be (3) (b) and am., am. (38) (intro.), Register, April, 1977, No. 256, eff. 5-1-77; r. and recr., Register, July, 1979, No. 283, eff. 8-1-79; cr. (126m), Register, September, 1979, No. 285, eff. 10-1-79.

NR 154.02 Applicability, delayed compliance, variances. (1) **APPLICABILITY.** The provisions of this chapter govern the release of air contaminants to the ambient air and the regulation of air contaminant sources by the department.

(2) **DELAYED COMPLIANCE ORDERS.** The department may, by order issued under s. 144.35 (1) (b), [144.423 (1) (b)] Stats., authorize a source not in compliance with an emission limitation prescribed in this chapter to achieve compliance as expeditiously as practicable but not later than 3 years after such requirement became applicable. The department shall hold a public hearing in accordance with its rules prior to authorizing any period of delayed compliance which exceeds 30 days in duration. No such order shall be issued unless:

(a) The cause of the violation was a malfunction, equipment failure, act of God, or some other condition beyond the entity's control, when using all prudent planning;

(b) The air contaminant source is located so that it will not delay attainment or affect maintenance of an ambient air quality standard at any point beyond the property line of the entity;

(c) Good faith efforts have been made to comply with this chapter;

(d) If the violation was caused by a malfunction or equipment failure, any plan required to be prepared by NR 154.06 (9) was compiled with;

(e) The air contaminant for which a deferral is sought is not a hazardous pollutant for which an emission standard has been established by the administrator of the U.S. environmental protection agency;

(f) The conditions listed in NR 154.09 (1), if applicable, are met;

(g) The order contains:

1. An express provision whereby the order recipient consents to its issuance;

2. A requirement that the order recipient employ reasonable emission monitoring techniques to assess compliance with any interim requirements imposed by the order;

3. A requirement for submittal of reports showing whether any interim requirements, increments of progress, and final compliance have been achieved;

4. A provision prohibiting the reduction of employe wages where supplemental, intermittent or other dispersion-dependent control methods are to be used;

5. In the case of a major stationary source, a notice that it may be required to pay administrative noncompliance penalties for failure to comply with the order and that no order issued under this subsection shall be effective until it is approved by the administrator of the U.S. environmental protection agency or designee.

(h) All reasonably available alternative operating procedures and interim control measures to minimize emissions shall be utilized by the air contaminant source during the period of delayed compliance.

(3) RACT VARIANCES. (a) The department may grant source-specific revisions to the state implementation plan setting alternate compliance schedules or alternate emission limitations, or both, where compliance with general RACT requirements of this chapter are shown to be technologically or economically infeasible, provided that:

1. The revision will not delay attainment or prevent maintenance of any ambient air quality standard, as determined by methods acceptable to the department.

~~2. Construction or modification of the air contaminant source for which a revision is requested was commenced on or before October 1, 1979.~~

3. The owner or operator of the air contaminant source for which a revision is requested demonstrates that all direct or portable sources owned or operated in the state by such person are in compliance with all applicable requirements of this chapter or are on a schedule for compliance with such requirements.

4. The owner or operator submits to the department information concerning the conditions or special circumstances which demonstrates, to the department's satisfaction, that the applicable general RACT requirements from which variance is sought are technologically or economically infeasible. In addition,

a. Where an alternate compliance schedule is sought, the owner or operator shall submit a proposed schedule which demonstrates reasonable further progress and contains a date for final compliance as soon as practicable.

b. Where alternate emission limitations are sought, the owner or operator shall submit proposed emission limitations.

c. Requests for revisions shall be signed by the principal executive officer; partner; sole proprietor; or principal governmental executive or elected official or a duly authorized representative, as appropriate.

d. Requests shall contain other relevant information as required by the department.

(b) The department, in acting upon any request for a revision under this subsection, shall:

1. Act on requests for revisions within 3 months of the filing of a completed request.

2. Offer, through public notice, the opportunity for public comment including, where requested, a public hearing.

3. State in writing the reasons for denying, granting, or for granting in modified form any request.

(c) The department may, after notice and opportunity for hearing, revoke or modify any revision when:

1. Any term or condition of the revision has been violated;

2. Changes in ambient air quality indicate that the source has a significant adverse impact on the attainment or maintenance of any ambient air quality standard; or

3. The owner or operator did not act in good faith in demonstrating the technological or economic infeasibility of compliance with the general RACT requirements or in submitting other relevant information in support of the revision request.

~~(d) When the department grants, modifies or revokes a source specific revision to a general RACT requirement which has been approved by the administrator of the U.S. environmental protection agency as part of the state implementation plan, such revision shall not become effective until:~~

~~1. It has been submitted to the administrator pursuant to applicable law, including but not limited to 42 U.S.C. 7410, as amended, and 40 CFR Parts 51 and 52, as amended, and all such requirements have been met, and~~

~~2. It has been approved by the administrator or designee as a revision to the state implementation plan.~~

(4) ALTERNATE FUEL VARIANCES. The department may grant temporary variances from the emission limitations of this chapter to air contaminant sources which request such variances in order to switch from a regular fuel to an alternate fuel which is in more plentiful supply, provided that the conditions of this subsection are met.

(a) If the office of state planning and energy has certified that a switch from the fuel regularly used by the applicant to an alternate fuel would cause an emission limitation to be exceeded is needed to protect public health, safety or welfare in the applicant's part of the state, the department may grant a temporary variance from such requirements provided that:

1. The applicant has submitted a list of steps which will be implemented without delay to minimize adverse effects caused by the switch in fuels permitted by the variance, including all feasible steps to minimize use of the alternate fuel through energy conservation and other measures; and

2. The applicant has provided, or has agreed to provide within 5 days after the date the variance is granted, information on the type, quantity and quality of fuel and rate of consumption in use before and to be used after the switch in fuels; and

3. Granting the variance would be unlikely to cause or exacerbate a violation of any primary ambient air quality standard; and

4. Litigation for violation of an emission limitation prescribed in this chapter or an ambient air quality standard prescribed in chapter NR 155, Wis. Adm. Code, is not presently pending; and

5. The applicant has agreed to submit no later than 90 days from the date that the variance is granted a plan and time schedule for preventing the recurrence of the conditions which necessitated a variance request; and

6. The applicant submitted and implemented in good faith any plan required to be submitted as a condition to a previously-granted variance; and

7. After July 1, 1978, if the applicant uses natural gas or distillate oil as a regular fuel, the applicant has submitted and received department approval of a plan to minimize dependence on these fuels while complying with the emission limitations of this chapter.

(b) If the office of state planning and energy has not certified that a switch in fuels is needed, the department may grant a temporary variance from the emission limitations of this chapter only if the conditions of sub. (4) (a) 1. through 7. are met and the applicant has submitted documentation of the unavailability of the fuel regularly used and of any alternate fuel which the air contaminant source has the capability to burn in compliance with emission limitations.

(c) When granting a variance is likely to cause a secondary standard (but not a primary standard) to be violated or exacerbated, the following conditions shall apply:

1. The variance must specify an expiration date no later than 45 days from the date the variance is granted.

2. Prior to granting a variance extension which expires on a date more than 45 days after the date the variance was originally granted, the department shall:

a. Determine either that the applicant's regular fuel is unavailable or that certification by the office of state planning and energy of the need for a switch in fuels in the applicant's part of the state remains in effect; and

b. Evaluate through ambient air quality monitoring and/or dispersion modeling the air quality impact of granting the variance and determine that maintenance of the primary standards is not being endangered; and

c. Solicit and consider public comment on permitting the extension.

(d) When granting a variance is unlikely to cause any ambient air quality standard to be violated, the following conditions shall apply:

1. The variance must specify an expiration date no later than 60 days from the date the variance is granted.

2. Prior to granting a variance extension which expires on a date more than 60 days after the date the variance was originally granted, the department shall:

a. Determine either that the applicant's regular fuel is unavailable or that certification by the office of state planning and energy of the need

for a switch in fuels in the applicant's part of the state remains in effect; and

b. Evaluate through ambient air monitoring and/or dispersion modeling the air quality impact of granting the variance. If the evaluation indicates that maintenance of the air standards is not being endangered, an extension may be granted. If the evaluation indicates that a secondary air standard has been or may be violated, the procedure set forth in sub. (4) (c) 2. shall apply.

(e) The department may rescind or amend a variance granted under NR 154.02(4) at any time.

(5) The issuance or granting of any order or variance under subs. (2), (3) or (4) shall not relieve any person of the duty to comply with all other applicable federal, state and local laws and rules.

History: Cr. Register, March, 1972, No. 195, eff. 4-1-72; am., cr. (2) and (3), Register, June, 1976, No. 234, eff. 7-1-76; cr. (2) (d), Register, July, 1976, No. 235, eff. 8-1-76; cr. (4), Register, November, 1977, No. 263, eff. 12-1-77; am. Register, September, 1979, No. 285, eff. 10-1-79.

NR 154.03 Nonattainment areas; sources affected. (1) **NONATTAINMENT AREAS.** The department may, from time to time, issue documents defining, listing or describing any area of the state where it has determined that any ambient air quality standard for any air contaminant is not being met.

(2) **SOURCES AFFECTED.** Upon issuing documents under sub. (1), the department shall also issue documents identifying, listing or describing air contaminant sources located in or near nonattainment areas, the location or impact of whose emissions require such sources to comply with RACT emission limitations specified in NR 154.11 or NR 154.12.

(3) The impact of a source's emissions on a nonattainment area shall be determined by the department, using methods including but not limited to ambient air monitoring and meteorological data, and diffusion modeling.

(4) The failure to identify, in a document issued under sub. (2), a specific source in or near a nonattainment area which is otherwise subject to RACT emission limitations shall not relieve such source from compliance.

(5) The department may issue or revise a document under sub. (1) or (2) only after 30 days notice and public hearing in the region affected. Such hearings shall not be contested cases under s. 227.01 (2), Stats.

History: Cr. Register, March, 1972, No. 195, eff. 4-1-72; am. Register, June, 1976, No. 234, eff. 7-1-76; r. and recr. Register, September, 1979, No. 285, eff. 10-1-79.

NR 154.04 Notice of intent. (1) No person shall cause, suffer, allow or permit the construction of a new stationary source, or the addition to, relocation, modification, or replacement of an existing stationary source listed hereunder, without submitting in writing a notice of intent to the department, containing the information required by NR 154.04(3), prior to commencing construction or modification of said source. A notice of intent shall be submitted for any stationary source:

(a) Which can burn coal, coke or other solid fuel at a heat input rate greater than one million BTU per hour.

(b) Which can burn distillate oil (fuel oil), crude oil or residual oil at a heat input rate greater than 5 million BTU per hour.

(c) Which can burn gaseous fuel at a heat input rate greater than 30 million BTU per hour.

(d) Which can incinerate solid wastes at a rate greater than 50 pounds per hour (dry basis) or which can incinerate liquid wastes at a rate greater than 50 pounds per hour. Incinerators over 1,000 pounds per hour capacity are to be licensed under the solid waste management rules, Wis. Adm. Code chapter NR 151. A single submittal of a notice of intent to the department will be sufficient notification.

(e) Which produces carbon black, charcoal, detergent or soap, explosives, hydrofluoric acid, nitric acid, paint, varnish, phosphoric acid, plastics, printing ink, sodium carbonate, sulfuric acid, sulfur dioxide, dehydrated alfalfa, dried corn, roasted coffee, feed and grain, fish meal, fertilizers, smoked meats and sausage, starch, primary metals, ferroalloys, metallurgical coke, cast metals, asphalt roofing, asphalt concrete, brick or clay products, calcium carbide, cement, ceramics, cleaned coal, concrete mix, desulfurized oil, fiberglass, frit glass, gypsum, lime, mineral wool, paperboard, perlite, paper pulp, phosphate rock, gravel, sand, stone, refined petroleum or petrochemical products, or wood products.

(f) Which emits asbestos, antimony, barium, beryllium, bromine, cadmium, chlorine, chromic acid, chromates, chromium, cobalt fume or dust, copper fume or dust, cyanides, fluorine, hydrogen chloride, hydrogen fluoride, iron (water soluble salts), lead, manganese, mercury, molybdenum, nickel carbonyl, nickel, nitric acid (including anhydrides), phosphoric acid including anhydrides, phosphorus (yellow), platinum (water soluble salts), selenium, sulfuric acid, thallium (water soluble compounds), tin, uranium, vanadium, pesticides, their mixtures, or their compounds. This section shall not apply to laboratories or water chlorination facilities.

(g) Which emits or may emit organic compounds at more than 16 pounds per day or more than 3 pounds per hour.

(h) Which can store more than 1,000 gallons of a photochemically reactive compound.

(i) Which can store more than 40,000 gallons of any organic compound.

(j) Which is an indirect source located in a standard metropolitan statistical area (SMSA) and which meets one of the following criteria:

1. Any new parking facility, or other new indirect source with an associated parking area, which has a parking capacity of 1,000 cars or more.

2. Any modified parking facility or any modification of an associated parking area which increases parking capacity by 500 cars or more.

3. Any new highway project with an anticipated annual peak hour traffic volume of 1,200 or more vehicles per hour within 10 years of construction.

4. Any highway modification project which will increase the annual peak hour traffic volume by 1,200 or more vehicles per hour within 10 years after modification.

(k) Which is an indirect source outside all SMSA's and which meets one of the following criteria:

1. Any new parking facility or other new indirect source with an associated parking area which has a parking capacity of 1,500 cars or more.

2. Any modified parking facility or any modification of an associated parking area which increases parking capacity by 750 cars or more.

3. Any new highway project which will carry 4 or more lanes of traffic and which has an anticipated annual peak hour traffic volume of 1,800 or more vehicles per hour within 10 years of construction.

4. Any highway modification project which will create an additional 2 or more lanes of traffic and which will increase the annual peak hour traffic volume by 1,800 or more vehicles per hour within 10 years after modification.

(l) Which is an airport, the construction or general modification program of which is expected to result in the following activity within 10 years of construction or modification:

1. New airport: 50,000 or more operations per year by regularly scheduled certificated air carriers, or use by 1,000,000 or more passengers per year.

2. Modified airport: Increase of 50,000 or more operations per year by regularly scheduled certificated air carriers over the existing volume of operations or increase of 1,000,000 or more passengers per year.

(m) Which exceeds one of the criteria in NR 154.04 (1) as a result of incremental growth. Where a stationary source is constructed or modified in increments which individually are not subject to review under this paragraph, all such increments occurring since the effective date of this rule or since the latest approval hereunder, whichever date is most recent, shall be added together for determining the applicability of this paragraph; or

(n) Which has uncontrolled emissions which exceed or are estimated to exceed 6 pounds per hour of any air contaminant or which causes objectionable odors. In those cases where this size limitation applies as well as another of the limitations above, the more restrictive limitation shall be used.

(2) The department shall respond within 15 days after receipt of a notice of intent which contains the information required by NR 154.04 (3). This response shall contain either:

(a) A list of plans, specifications and other information needed to allow the department to initiate its analysis pursuant to NR 154.05 as to whether or not the proposed new source will be in accordance with applicable rules in force pursuant to ss. 144.30 to 144.46, 144.54 and 144.57, Stats.; or

(b) A notification that the notice of intent submitted contained sufficient information to allow the department to make a preliminary determination, pursuant to NR 154.05 (1) (a), as to whether or not the source is in compliance with applicable air pollution control statutes and rules and that the procedures of NR 154.05 will proceed.

(3) A separate written notice of intent shall be submitted for each construction or modification project.

(a) For all stationary sources, said notice of intent shall include, but not be limited to:

1. The name, address and telephone number of the person submitting the notice of intent and the names (s) and address (es) of any other owner (s) and/or operator (s) of the facility.

2. A listing of all stationary sources associated with the facility.

3. A map showing the location and layout of the facility and adjacent streets, roads and property.

4. The expected dates when construction will commence, when emissions associated with the operation of the facility will begin, and when all aspects of the facility will be completed and open for business or fully operational; and

5. The estimated cost of the project.

(b) For direct sources, said notice of intent shall include, but not be limited to, in addition to the information required in subsection (3) (a) above:

1. Manufacturer of the equipment; model number and rated capacity.

2. Description of the process and a flow diagram.

3. Estimated composition and amounts of raw materials used.

4. Expected types, composition and amounts of fuel burned, including:

a. Heating values.

b. Sulfur content, percentage by weight.

c. Ash content, percentage by weight.

5. Operating schedule.

6. Information on any equipment to be used for measurement or control of emissions.

7. Stack height, temperature, exit diameter and exit velocity; and

8. Emission rates at rated capacity of particulate matter, sulfur oxides, nitrogen oxides, carbon monoxide, hydrocarbons, TRS or any toxic and hazardous materials.

(c) For indirect sources other than highway projects, said notice of intent shall include, in addition to the information required in subsection (3) (a) above:

1. A description of the proposed use of the site, including the normal hours of operation of the facility and the general types of activities to be operated therein; and

2. A site plan showing the location of associated parking areas, points of motor vehicle ingress and egress to and from the site and its associated parking areas and the location and height of buildings on the site.

(d) For airports, said notice of intent shall include, in addition to the information required in subsection (3) (a) above:

1. An estimate of the maximum number of aircraft operations per day by type of aircraft and an estimate of total passenger loadings during the first and tenth years after the expected date of completion; and

2. The information required under subsection (3) (c) above.

(e) For highway projects, said notice of intent shall include, in addition to the information required in subsection (3) (a) above:

1. An estimate of the annual peak hour traffic volume and annual average daily traffic volume expected during the first and tenth years after the expected date of completion.

2. An estimate of vehicle speeds for annual peak hour and annual average daily traffic volume conditions.

3. The maximum vehicle capacity of the highway project; and

4. A description of the general features of the highway project and associated right-of-way, and location of receptors along the right-of-way.

(4) Exemption from the requirement to submit a notice of intent does not relieve any persons from compliance with the emission limits of this chapter, the air quality requirements of Wis. Adm. Code chapter NR 155, or the reporting requirements of Wis. Adm. Code chapter NR 101.

History: Cr. Register, March, 1972, No. 195, eff. 4-1-72; r. and recr. Register, June, 1976, No. 234, eff. 7-1-76; am. (1), renum. (2) and (3) to be (3) and (4) and am., cr. (2), Register, April, 1977, No. 266, eff. 6-1-77.

NR 154.05 Action on applications. (1) Within 30 days after receipt of 2 copies of the plans, specifications and other information provided pursuant to s. 144.39 (1), Stats., needed to allow the department to analyze whether or not the source is in compliance with appropriate air pollution statutes and rules, or within 30 days after receipt of a notice of intent for construction of a source which does not require submittal of plans, specifications or other information, the department shall:

(a) Make a preliminary determination of whether the source should be approved, approved with conditions in accordance with subsections (9) or (10) of this section, or disapproved.

(b) Make available in at least one location in each region in which the source would be constructed a copy of all nonconfidential materials submitted by the owner or operator, a copy of the department's analysis and preliminary determination, and a copy or summary of other materials, if any, considered by the department in making its preliminary determination.

(c) Notify the applicants, interested members of the public, and appropriate federal, local and state officials of the proposed project, of the department's preliminary determination, and of the opportunity for public comment.

(d) Place a notice in a newspaper of general circulation in each region in which the source would be constructed, of the opportunity for written public comment on the information submitted by the owner or operator

NR 154.09 Emissions prohibited. (1) No person shall cause, suffer, allow, or permit emissions into the ambient air in excess of the limits set in these rules, except:

(a) When an approved program or plan with a time schedule for correction has been undertaken and correction is being pursued with diligence.

(b) When emissions in excess of the limits are temporary and due to scheduled maintenance, startup, or shutdown of operations carried out in accord with a plan and schedule approved by the department.

(c) The use of emergency or reserve equipment needed for meeting of high peak loads, testing of the equipment, or other uses approved by the department. Such equipment must be specified in writing as emergency or reserve equipment by the department. Upon startup of this equipment notification must be given to the department which may or may not give approval for continued equipment use.

History: Cr. Register, March, 1972, No. 195, eff. 4-1-72; r. and recr. (1) (b) and (c), Register, June, 1975, No. 234, eff. 7-1-75.

~~**NR 154.10 Limitations on open burning.** (1) Open burning is prohibited with the following exceptions:~~

~~(a) Burning of brush or weeds on agricultural lands.~~

~~(b) Fires set for practice and instruction of firemen, or testing of fire fighting equipment.~~

~~(c) Backfires to control forest fires or fires set for forest or wildlife habitat management with approval of the department where no reasonable alternative is available.~~

~~(d) Burning of explosive or dangerous material for which there is no other safe means of disposal.~~

~~(e) Burning of small amounts of dry combustible rubbish (not to include wet combustible rubbish, garbage, oily substances, asphalt, plastic or rubber products) except where prohibited by local ordinance.~~

~~(f) Burning at rural or isolated solid waste disposal sites outside of the Southeast Wisconsin Intrastate AQCR that serve less than 2,500 people and are licensed to burn waste under section NR 151.18 of the solid waste disposal standards, or burning of special waste where permits are obtained from the department.~~

~~(g) Outdoor fires for cooking, ceremonies, or recreation.~~

~~(h) Burning of trees, limbs, stumps, brush or weeds for clearing or maintenance of rights-of-ways outside of the Southeast Wisconsin Intrastate AQCR.~~

~~(i) Burning of trees, wood, brush, or demolitions materials (excluding asphaltic, or rubber materials) by such methods approved by the department.~~

~~(j) Small open flames for welding, acetylene torches, safety flares heating tar, or similar applications.~~

~~(k) Burning of gaseous or liquid waste in a manner approved by the department.~~

ORDER OF THE STATE OF WISCONSIN
NATURAL RESOURCES BOARD REPEALING, RENUMBERING,
RENUMBERING AND AMENDING, AMENDING AND CREATING RULES

The Wisconsin Natural Resources Board adopts an order to **repeal** NR 400.02(61m), 405.02(5), 405.04(3), 415.09(1)(a) to (e), 417.06(3), 417.07(6)(a)1. to 5. and (b) to (d) and (9), 418.025(2)(intro.) and (a) to (e), 418.03(2)(intro.) and (a) to (e), 418.04(2)(a) to (e), 418.05(2), (3)(a) to (e), 418.06(2)(b) to (e), 418.07(2)(intro.) and (a) to (e), 421.04(4), 422.05(3), 422.09(2)(c), (3)(a), (c), (e), (f) and (h) and (4)(a), (c) and (e), 423.03(6)(b)1. to 5., 424.03(2)(b)1. and 2., 425.03(2)(a)1. to 5. and (b), (3)(a)1. to 7., (c)2., (d)1. to 4., (e)1. to 6. and (f), (4)(a)1. to 5. and (b), (5)(a)1. to 4., (b) and (c) and (6)(b)1. to 3., 439.095(2)(a) and (b), 447.02(4), 484.03(5) and (6), 484.11(1)(c), 485.045(1)(a), 488.06(1)(d) Note and 493.02(2); to **renumber** NR 400.02(100)(u), 411.02(6) and Note, 418.06(2)(f), 419.02(1m), (1p), (1s), (1t), (1u), (2), (3), (3c), (3e), (3m), (4), (6), (6m) and (7), 420.02(28), 421.02(2e) to (13), 422.02(1e) to (6), (7m) to (11m), (12d) to (33j), (34) to (47e), (48) to (52) and 499.07(2)(a) to (m); to **renumber and amend** NR 417.07(6)(a)(intro.), 418.025(2)(f), 418.03(2)(f), 418.07(2)(f), 419.02(8), 422.02(7), (12), (33m) and (47m), 424.03(2)(b)(intro.), 425.03(2)(a)(intro.), (4)(a)(intro.) and (5)(a)(intro.) and 499.07(2)(n)(intro.); to **amend** NR 30.03(2)(f), 30.04(2)(f), 400 Note, 400.02(41), (77), (79), (90) and (100)(t), 400.03(2), 401.04, 404.04(2)(a)1. and 2. and (6), 404.06(1)(a) and (4)(b), 405.01(2) Note, 405.02(1)(d), (2)(intro.), (3)(intro.) and (a), (4)(a)(intro.), 1. and 2. and (b)1. and 2., (7), (12), (21)(intro.), (b)3. and 5.a. and b., 6. and 8.a., (22)(a)1. and 2., (24)(d), (25g)(b) and (d), (25m)(a) and (c), (25s)(intro.) and (a), (27)(c) and (28), 405.04(1)(a) and (e), (4)(intro.) and (a), 405.05(1), (4)(intro.), (5) and (6), 405.07(3), (4)(intro.) and (b)27. and (5), 405.08(3), 405.10(4), 405.14(1), (2) and (4) 405.15(2)(d), 406.04(1)(intro.), (g), (h), (j) and (2)(intro.), (c), (f)3m., (h) and (i), (4)(a)6., 406.11(1)(f), 407.03(1)(g), (h), (o), (2)(b) and (4), 407.05(4)(c)1. and Table 2 footnote 8, 407.09(4)(a)3.c., 408.02(4), (20)(e)5.a. and b. and (21)(intro.), 409.02(76)(intro.), 409.06(8)(d), 415.02(5), 415.04(1)(b), (2)(a)(intro.), (b)(intro.) and (c)(intro.), (3)(a) and (4)(b), 415.05(2), 415.07(1)(a)(intro.), (b)(intro.) and 2., 415.075(2)(a)5., 415.08(1), 415.09(1)(intro.) and (3), 417.01(1), 417.02(intro.), 417.06(1) and (2), 417.07(7)(a)(intro.) and 1. to 3., 418.01(1), 418.04(1)(a)2. and (2)(intro.), 418.05(3)(intro.) and (4)(intro.), 418.06(2)(intro.), 419.02(intro.), 420.02(intro.), 420.03(1)(b), 420.035(2)(b) and (3)(c), 420.04(2)(a)(intro.) and 2., 420.045(1)(a), (b)(title), (c), (d)1.(intro.) and (e) and (10)(intro.), 421.02(intro.), 421.05(2)(a)(intro.), (2)(e)1. and 2., 421.06(2)(e)1. and 2., 422.03(intro.), (2), (3), (4), (4m)(b) and (c) and (5)(intro.), 422.04(1)(a), (2)(intro.) and (3)(b)(intro.), 422.132(1)(intro.) and (2)(b), 422.14(2)(c)(intro.), 423.02(intro.), 423.03(4)(intro.) and (m), (5)(intro.), (6)(a)(intro.) and (b)(intro.) and (9), 424.03(1)(a)3. and 4., 425.03(3)(a)(intro.), (b), (d)(intro.), (e)(intro.), (6)(b)(intro.), (7)(e), (7m)(intro.) and (a) and (8), 425.035(2)(f) and (3)(a)3. Note, 425.04(1)(b), 426.04, 429.02(intro.) and (1), 436.02(intro.), 436.05(2)(b) and (5), 438.03(1)(b) and Table 1, 439.03(1)(c) and (4)(a)(intro.), 439.075(2)(a)(intro.) and 4., 439.095(2)(intro.), 445.01(1), 445.02(intro.), (2) and (6), 445.04(3)(c)6., (4r)(a)Note and (b)4., (6)(a)(intro.), (b)4. and Tables 2, 3 and 5, 445.05(3)(a) and (c)7., (4r)(b)4. and (6)(bm)4. (intro.), (c) and (e), 447.02(intro.), (16) and (18) Note, 447.07(3)(a) and (d)(intro.), 447.12(3)(b) Note, 447.16(2) 447.18(1) Note, 448.02(intro.), 448.04(2), 449.02(intro.), 449.09(6)(a)3. and 4., (d)2. and (e)1.(intro.), 449.12(3)(a) and (b)5., 484.04(18), 484.05(3), 484.11(1)(a), 488.02(2) Note, 488.03(3)(b) Note, 488.04(3) Note, 488.08, 488.11(1)(b), 493.02(intro.), 493.04(2) and (3), 499.06(2)(intro.), (e) and (g) and 499.07(2)(intro.); and to **create** NR 400.02(53s) Note, (100)(u) and (v), 405.02(21m), (22m), 406.04(7), 419.02(10), 421.05(2)(e)3., 421.06(2)(e)3., 422.03(7), 424.03(2)(c), 425.03(14), 436.05(2)(bm) and 484.04(18m) relating to clarification and cleanup changes in NR 30 and throughout the NR 400 series.

AM-9-95

Analysis Prepared by the Department of Natural Resources

Authorizing statutes: ss. 144.31(1)(a), 144.391(6) and 227.11(2)(a), Stats.

Statutes interpreted: s. 144.31(1)(f), Stats. The State Implementation Plan developed under that provision is revised.

These rule changes affect Wisconsin's existing environmental protection air pollution control rules. Changes affecting most elements of the air pollution control program are made, including; definition of terms, permitting, compliance schedules, emission testing, emission limitations, emission monitoring and incorporation by reference. These changes also affect diverse source categories and pollutants. However, these changes are of a cleanup nature, and are intended to correct errors in content or style, or to improve consistency or clarify existing policy or procedures.

The consent of the Attorney General and the Revisor of Statutes will be sought for the incorporation by reference of two appendices in Title 40 of the Code of Federal Regulations containing test methods and the incorporation by reference of a previously approved document from the American Conference of Governmental Industrial Hygienists for two additional citations.

SECTION 142. NR 436.02(intro.) is amended to read:

NR 436.02 DEFINITIONS. (intro.) ~~In addition to the definitions in this section, the~~ The definitions contained in ch. NR 400 apply to the terms used in this chapter. In addition, the following definitions apply to the terms used in this chapter:

SECTION 143. NR 436.05(2)(b) is amended to read:

NR 436.05(2)(b) Construction or modification of the air contaminant source for which a revision is requested was commenced ~~on or~~ before October 1, 1979 the effective date of the requirement for which the revision is requested.

SECTION 144. NR 436.05(2)(bm) is created to read:

NR 436.05(2)(bm) A written request from the owner of operator for a revision is received by the department before the date specified for achieving final compliance with the requirement for which the revision is requested.

SECTION 145. NR 436.05(5) is amended to read:

NR 436.05(5) EFFECTIVE DATE OF VARIANCES. When the department grants, modifies or revokes a source-specific revision to a general RACT requirement which has been approved by the administrator of the U.S. environmental protection agency as part of the state implementation plan, ~~such the~~ the revision will not become effective until both the following conditions have been met:

(a) ~~It~~ The revision has been submitted to the administrator pursuant to applicable law, including but not limited to 42 USC s. 7410, ~~as amended,~~ and 40 CFR parts 51 and 52, ~~as amended,~~ and all such requirements have been met, ~~and~~.

(b) ~~It~~ The revision has been approved by the administrator or designee as a revision to the state implementation plan.