

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History: Chapter NR 154 as it existed on March 31, 1972 was repealed and a new chapter NR 154 was created, Register, March, 1972, No. 195, effective April 1, 1972.

NR 154.01 Definitions.

(19)

(a) "Asbestos material" means asbestos or any material containing asbestos.

(b) "Asbestos mill" means any facility engaged in the conversion or any intermediate step in the conversion of asbestos ore into commercial asbestos. Outside storage of asbestos materials is not considered a part of such a facility.

(c) "Asbestos tailings" means any solid waste products of asbestos minings or milling operations which contain asbestos.

(136) "Particulate asbestos material" means any finely divided particles of asbestos material.

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, 1976, 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. 266, eff. 5-1-77; r. and recr., Register, July, 1979, No. 283, eff. 8-1-79; am. Register, March, 1981, No. 303, eff. 4-1-81.

Register, March, 1981, No. 303
Environmental Protection

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 157. NR 447.02(intro.) is amended to read:

NR 447.02 Definitions. (intro.) ~~In addition to the definitions in this section, the~~ The definitions contained in chs. NR 400 and 445 apply to the terms used in this chapter. ~~The~~ In addition, the following definitions apply to the terms used in this chapter:

SECTION 158. NR 447.02(4) is repealed.

SECTION 159. NR 447.02(16) and (18) Note are amended to read:

NR 447.02(16) "Friable asbestos material" means any material containing more than 1% asbestos as determined using the method specified in ~~appendix Appendix A of subpart~~ Appendix A to Subpart F, 40 CFR part 763, section 1, Polarized Light Microscopy, incorporated by reference in ~~ch. NR 484 s. NR 484.04~~, that, when dry, can be crumbled, pulverized or reduced to powder by hand pressure. If the asbestos content of the friable ACM is less than 10%, as determined by a method other than point counting by polarized light microscopy (PLM), the asbestos content shall be verified by point counting using PLM.

(18) Note: Properly installed and used, glove bags provide a small work area enclosure typically used for small-scale asbestos stripping operations. Information on glove-bag installation, equipment and supplies, and work practices is contained in ~~the Occupational Safety and Health Administration's (OSHA's) final rule on occupational exposure to asbestos in 29 CFR s.1926.58, appendix Appendix G,~~ incorporated by reference in ~~ch. NR 484 s. NR 484.04~~.

SECTION 160. NR 447.07(3)(a) and (d)(intro.) are amended to read:

NR 447.07(3)(a) At least 10 working days before asbestos stripping or removal work or any other activity begins, such as site preparation that would ~~breakup~~ break up, dislodge or similarly disturb asbestos material, if the operation is described in s. NR 447.06(2)(a) ~~and or~~ (d)1. If the operation is as described in s. NR 447.06(2)(b), notification is required 10 working days before demolition begins.

(d)(intro.) For asbestos stripping or removal work in a demolition or renovation operation, described in s. NR 447.06(2)(a) ~~and or~~ (d)1., and for demolition described in s. NR 447.06(2)(b) that will begin on a date other than the one contained in the original notice, the owner or operator shall provide notice of the new start date to the department as follows:

SECTION 161. NR 447.12(3)(b) Note is amended to read:

NR 447.12(3)(b) Note: To obtain approval for an alternative method, a written application ~~shall~~ must be submitted to the administrator ~~of the U.S. Environmental Protection Agency~~ demonstrating that the following criteria are met:

1. The alternative method will control asbestos emissions equivalent to currently required methods.

2. The suitability of the alternative method for the intended application.
3. The alternative method will not violate other regulations.
4. The alternative method will not result in increased water pollution, land pollution or occupational hazards.

SECTION 162. NR 447.16(2) is amended to read:

NR 447.16(2) The information required by sub. (1) shall accompany the information required by 40 CFR 61.10, ~~incorporated by reference in ch. NR 484~~. Active waste disposal sites subject to s. NR 447.17 shall also comply with this provision. Roadways, demolition and renovation, spraying, and insulating materials are exempted from the requirements of 40 CFR 61.10(a). The information described in this section shall be reported using the format of Appendix A of 40 CFR part 61, incorporated by reference in ch. NR 484 s. NR 484.04, as a guide.

SECTION 163. NR 447.18(1) Note is amended to read:

NR 447.18(1) Note: To obtain approval, the owner or operator must provide the administrator with ~~the~~ an application to construct pursuant to 40 CFR ~~section~~ 61.07, ~~incorporated by reference in ch. NR 484~~. In addition to the information requirements of 40 CFR ~~section~~ 61.07(b)(3), the owner or operator must provide descriptions of:

1. The waste feed handling and temporary storage.
2. The process operating conditions.
3. The handling and temporary storage of the end product.
4. The protocol to be followed when analyzing output materials by transmission electron microscopy.

The performance test protocol, including provisions for obtaining information required under sub. (2), must also be provided.

The administrator may require that a demonstration of the process be performed prior to approval of the application to construct.