

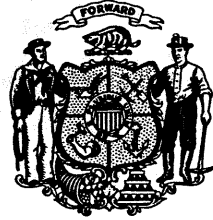
WISCONSIN LEGISLATIVE COUNCIL STAFF

LCRC
FORM 2

RULES CLEARINGHOUSE

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CLEARINGHOUSE REPORT TO AGENCY

[THIS REPORT HAS BEEN PREPARED PURSUANT TO S. 227.15, STATS. THIS IS A REPORT ON A RULE AS ORIGINALLY PROPOSED BY THE AGENCY; THE REPORT MAY NOT REFLECT THE FINAL CONTENT OF THE RULE IN FINAL DRAFT FORM AS IT WILL BE SUBMITTED TO THE LEGISLATURE. THIS REPORT CONSTITUTES A REVIEW OF, BUT NOT APPROVAL OR DISAPPROVAL OF, THE SUBSTANTIVE CONTENT AND TECHNICAL ACCURACY OF THE RULE.]

CLEARINGHOUSE RULE 99-045

AN ORDER to repeal NR 439.07 (8) (L); to renumber NR 484.04 (24) to (27); and to create NR 439.06 (3) (am) and 484.04 (24), relating to volatile organic compound capture efficiency test methods.

Submitted by **DEPARTMENT OF NATURAL RESOURCES**

03-10-99 RECEIVED BY LEGISLATIVE COUNCIL.
03-23-99 REPORT SENT TO AGENCY.

RS:DLL;jal;rv

LEGISLATIVE COUNCIL RULES CLEARINGHOUSE REPORT

This rule has been reviewed by the Rules Clearinghouse. Based on that review, comments are reported as noted below:

1. STATUTORY AUTHORITY [s. 227.15 (2) (a)]

Comment Attached YES NO

2. FORM, STYLE AND PLACEMENT IN ADMINISTRATIVE CODE [s. 227.15 (2) (c)]

Comment Attached YES NO

3. CONFLICT WITH OR DUPLICATION OF EXISTING RULES [s. 227.15 (2) (d)]

Comment Attached YES NO

4. ADEQUACY OF REFERENCES TO RELATED STATUTES, RULES AND FORMS
[s. 227.15 (2) (e)]

Comment Attached YES NO

5. CLARITY, GRAMMAR, PUNCTUATION AND USE OF PLAIN LANGUAGE [s. 227.15 (2) (f)]

Comment Attached YES NO

6. POTENTIAL CONFLICTS WITH, AND COMPARABILITY TO, RELATED FEDERAL
REGULATIONS [s. 227.15 (2) (g)]

Comment Attached YES NO

7. COMPLIANCE WITH PERMIT ACTION DEADLINE REQUIREMENTS [s. 227.15 (2) (h)]

Comment Attached YES NO

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CLEARINGHOUSE RULE 99-045

Comments

[NOTE: All citations to "Manual" in the comments below are to the Administrative Rules Procedures Manual, prepared by the Revisor of Statutes Bureau and the Legislative Council Staff, dated September 1998.]

5. Clarity, Grammar, Punctuation and Use of Plain Language

In the last sentence of s. NR 439.06 (3) (am), who may require simultaneous measurements and under what circumstances may they be required?

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

The Wisconsin Natural Resources Board proposes an order to **repeal** NR 439.07(8)(L), to **renumber** NR 484.04(24) to (27) and to **create** NR 439.06(3)(am) and 484.04(24) relating to volatile organic compound capture efficiency test methods.

AM-53-98

Analysis Prepared by the Department of Natural Resources

Authorizing statutes: ss. 227.11(2)(a) and 285.11(1), Stats.

Statutes interpreted: s. 285.11(6), Stats. The State Implementation Plan developed under that provision is revised.

The purpose of the order is to adopt the 204 series of volatile organic compound (VOC) capture efficiency test methods. Capture efficiency is a measure of the amount of VOC applied to a process compared to the amount of VOC delivered to the control device. These methods have been developed by the USEPA to increase the accuracy of capture efficiency determinations. The order also allows some flexibility in the frequency of capture efficiency testing through the repeal of s. NR 439.07(8)(L) and the allowance for department discretion in the similar language created in s. NR 439.06(3)(am).

SECTION 1. NR 439.06(3)(am) is created to read:

NR 439.06(3)(am) Method 204, 204A, 204B, 204C, 204D, 204E or 204F in 40 CFR part 51, Appendix M, or the data quality objective method or lower confidence limit method in 40 CFR part 63, Subpart KK, Appendix A, incorporated by reference in s. NR 484.04, shall be used to determine the capture efficiency of a control system for volatile organic compound emissions.

The reporting and recordkeeping recommendations within a test method shall be followed unless alternative reporting or recordkeeping provisions have been approved in writing by the department. When determining the overall emission reduction efficiency of a volatile organic

compound control system, simultaneous measurements of both the capture efficiency of the system and the pollutant reduction efficiency of the control device may be required.

SECTION 2. NR 439.07(8)(L) is repealed.

SECTION 3. NR 484.04(24) to (27) are renumbered 484.04(25) to (28).

SECTION 4. NR 484.04(24) is created to read:

CFR Appendix Referenced	Title	Incorporated by Reference For
NR 484.04(24) 40 CFR part 63, Subpart KK, Appendix A	Data Quality Objective and Lower Confidence Limit Approaches for Alternative Capture Efficiency Protocols and Test Methods	NR 439.06(3)(am)

The foregoing rule was approved and adopted by the State of Wisconsin Natural Resources Board on _____.

The rule shall take effect the first day of the month following publication in the Wisconsin administrative register as provided in s. 227.22(2)(intro.), Stats.

Dated at Madison, Wisconsin _____.

STATE OF WISCONSIN
DEPARTMENT OF NATURAL RESOURCES

By _____
George E. Meyer, Secretary

(SEAL)

NOV 11 1999

State of Wisconsin
Department of Natural Resources

**NOTICE TO PRESIDING OFFICERS
OF PROPOSED RULEMAKING**

Pursuant to s. 227.19, Stats., notice is hereby given that final draft rules are being submitted to the presiding officer of each house of the legislature. The rules being submitted are:

Natural Resources Board Order No. AM-53-98

Legislative Council Rules Clearinghouse Number 99-045

Subject of Rules Volatile organic compound capture
efficiency test methods

Date of Transmittal to Presiding Officers November 9, 1999

Send a copy of any correspondence or notices pertaining to this rule to:

**Carol Turner, Rules Coordinator
DNR Bureau of Legal Services
LC/5, 101 South Webster**

266-1959

REPORT TO LEGISLATURE

NR 439, Wis. Adm. Code
Volatile organic compound capture efficiency test methods

Board Order No. AM-53-98
Clearinghouse Rule No. 99-045

Statement of Need

Coating and printing processes that use solvent based coatings or inks release volatile organic compounds (VOCs). The VOCs must be captured in order to send them to a control device such as an incinerator. The U.S. EPA has promulgated new capture efficiency test methods that are more accurate than the old mass balance method. Mass balance is comparing the amount of solvent applied to the amount of solvent captured and sent to the control device. At present, there is no official capture efficiency test method that can be cited in air emission permits issued by the Department. The new capture efficiency test methods will fill this void. The U.S. EPA has mandated the adoption of these test methods under the Clean Air Act.

Modifications as a Result of Public Hearing

No changes were made as a result of public hearing.

Appearances at the Public Hearing and Their Position

April 22, 1999 – Appleton

In support – none
In opposition – none

As interest may appear:

Deborah Berner, Akrosil, P.O. Box 8001, Menasha, WI 54952-8001

May 3, 1999 – Milwaukee

In support – none
In opposition – none

As interest may appear:

Cheryl Gain, Small Business Ombudsman, WI Dept. of Commerce, P.O. Box 7970, Madison, WI

Response to Legislative Council Rules Clearinghouse Report

The recommendation was accepted.

Final Regulatory Flexibility Analysis

The rule package is not expected to have a significant economic impact on a substantial number of small businesses. Any adverse impacts are expected to be small. For more flexibility, EPA has added two sets of statistical criteria which allow the use of data obtained with alternate capture efficiency methods such as mass balance, to demonstrate compliance with capture efficiency limits. The two sets of criteria are denoted as the data quality objective (DQO) and the lower confidence limit (LCL).

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

The Wisconsin Natural Resources Board adopts an order to **repeal** NR 439.07(8)(L), to **renumber** NR 484.04(24) to (27) and to **create** NR 439.06(3)(am) and 484.04(24) relating to volatile organic compound capture efficiency test methods.

AM-53-98

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Statutes interpreted: s. 285.11(6), Stats. The State Implementation Plan developed under that provision is revised.

The purpose of the order is to adopt the 204 series of volatile organic compound (VOC) capture efficiency test methods. Capture efficiency is a measure of the amount of VOC applied to a process compared to the amount of VOC delivered to the control device. These methods have been developed by the USEPA to increase the accuracy of capture efficiency determinations. The order also allows some flexibility in the frequency of capture efficiency testing through the repeal of s. NR 439.07(8)(L) and the allowance for department discretion in the similar language created in s. NR 439.06(3)(am).

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SECTION 4. NR 484.04(24) is created to read:

CFR Appendix Referenced	Title	Incorporated by Reference For
NR 484.04(24) 40 CFR part 63, Subpart KK, Appendix A	Data Quality Objective and Lower Confidence Limit Approaches for Alternative Capture Efficiency Protocols and Test Methods	NR 439.06(3)(am)

The foregoing rule was approved and adopted by the State of Wisconsin Natural Resources Board on October 27, 1999.

The rule shall take effect the first day of the month following publication in the Wisconsin administrative register as provided in s. 227.22(2)(intro.), Stats.

Dated at Madison, Wisconsin _____.

STATE OF WISCONSIN
DEPARTMENT OF NATURAL RESOURCES

By _____
George E. Meyer, Secretary

(SEAL)