



WISCONSIN LEGISLATIVE COUNCIL ACT MEMO

2013 Wisconsin Act 91
[2013 Senate Bill 371]

**Nitrogen Oxide Emission Standards
for Certain Combustion Turbines**

The Department of Natural Resources (DNR) promulgated ch. NR 428 in order to meet the federal Clean Air Act requirements for controlling nitrogen oxide (NO_x) emitted by stationary sources operating within the state's ozone nonattainment area. The rule sets NO_x emission limits for stationary sources, including certain combustion engines, in existence when the rule became effective on February 1, 2001. The rule further requires that stationary sources that are modified after February 1, 2001, must meet the more stringent emission limits for NO_x that apply to new sources.

Act 91 provides that the NO_x emissions standards for certain combustion engines operating in the state's ozone nonattainment area that apply to modified sources under DNR rule do not apply to a simple cycle combustion turbine that undergoes a modification on or after February 1, 2001 if all of the following conditions apply:

- The DNR and the federal Environmental Protection Agency (EPA) find that the owner or operator of the turbine has satisfactorily demonstrated that equipping the turbine with a dry low NO_x combustion system is not technologically or economically feasible or such a system is not commercially available from the turbine manufacturer.
- The EPA concurs, in writing, with the DNR's finding.
- The owner or operator of the turbine controls NO_x emissions during operation by injecting water into the turbine according to the manufacturer's instructions.
- The concentration of NO_x emitted from the turbine does not exceed 25 parts per million dry volume, corrected to 15% oxygen, on a 30-day rolling average basis during combustion of gaseous fuels and does not exceed 65 parts per million dry volume, corrected to 15% oxygen, on a 30-day rolling average basis during combustion of distillate fuels.

This memo provides a brief description of the Act. For more detailed information, consult the text of the law and related legislative documents at the Legislature's Web site at: <http://www.legis.wisconsin.gov>.

Effective date: December 15, 2013. The state NOx control requirements for combustion turbines in an ozone nonattainment area are part of the state's federally approved state implementation plan. Therefore, the changes in the Act must also be approved by the EPA in order for the exception created in the Act to become effective.

Prepared by: Rachel Letzing, Senior Staff Attorney

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