



NR 154

State of Wisconsin

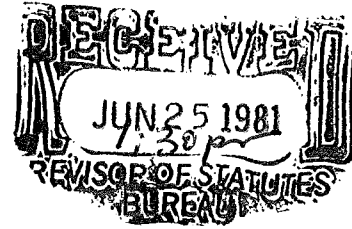
DEPARTMENT OF NATURAL RESOURCES

Carroll D. Besadny
Secretary

BOX 7921
MADISON, WISCONSIN 53707

IN REPLY REFER TO: _____

STATE OF WISCONSIN)
) ss
DEPARTMENT OF NATURAL RESOURCES)



TO ALL TO WHOM THESE PRESENTS SHALL COME, GREETINGS:

I, Carroll D. Besadny, Secretary of the Department of Natural Resources and custodian of the official records of said Department, do hereby certify that the annexed copy of Natural Resources Board Order No. A-8-81 was duly approved and adopted by this Department on April 23, 1981. I further certify that said copy has been compared by me with the original on file in this Department and that the same is a true copy thereof, and of the whole of such original.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the official seal of the Department at General Executive Facility #2 in the City of Madison, this 25th day of June, 1981.

Carroll D. Besadny
Carroll D. Besadny, Secretary

(SEAL)

ORDER OF THE STATE OF WISCONSIN NATURAL RESOURCES BOARD

AMENDING AND CREATING RULES

.....
IN THE MATTER of amending section NR 154.13 .
(12)(a)(intro.) and (g)5.; and creating .
section NR 154.13(12)(h) of the Wisconsin .
Administrative Code pertaining to the .
control of organic compound emissions .
.....

A-8-81

Analysis Prepared by Department of Natural Resources

During the legislative review of Natural Resources Board Order No. A-64-79, it was brought to the department's attention that certain new and modified sources, upon start-up, might not be able to meet Reasonably Available Control Technology (RACT) emission limitations because RACT may be technology forcing. Existing sources are allowed to meet RACT according to a compliance schedule, and may qualify for even longer delays where technological infeasibility exists. The amendment of section NR 154.13(12)(a)(intro.) and the creation of section NR 154.13(12)(h) are primarily intended to allow the department to set compliance schedules for new and modified RACT sources which would be similar to the schedules that existing RACT sources have.

The amendment of section NR 154.13(12)(g) is only intended to clarify its intent. Prior wording was ineffective.

Pursuant to the authority vested in the State of Wisconsin Natural Resources Board by sections 144.31, 144.38 and 227.014, Wisconsin Statutes, the State of Wisconsin Natural Resources Board hereby amends and creates rules interpreting section 144.31(1)(f), Wisconsin Statutes, and revising the State Implementation Plan developed under that provision, as follows:

SECTION 1 - Section NR 154.13 (12) (a) (intro.) is amended to read:

(a) Applicability exceptions. Paragraphs (b) through ~~(g)~~ (h) do not apply to ~~sources a source~~ which ~~are~~ is in compliance with the emission limitations of this section ~~before the dates specified in subds. 1., 2. and 3.,~~ provided the ~~sources have~~ source has determined and certified compliance to the satisfaction of the department within 90 days after the ~~specified date~~ date specified in subd. 1., 2. or 3., nor do pars. (b) through ~~(f)~~ (g) apply to ~~sources a source~~

on which construction or modification commenced on or after the specified date. Sources on which construction or modification commenced on or after the ~~specified date~~ date specified in subd. 1., 2. or 3., shall meet the emission requirements of this section ~~upon start-up~~ in accordance with the provisions of par. (h).

SECTION 2 - Section NR 154.13 (12) (g) 5. is amended to read:

5. Where a source ~~is~~ was not subject to ~~requirements-of-this-subsection and-was-previously-unregulated-under-this-section,~~ the specific limitations of this section prior to the date specified in par. (a)1., 2. or 3., the final compliance plan shall specify reasonable measures to minimize emissions of VOCs during the interim period prior to the final compliance date.

SECTION 3 - Section NR 154.13 (12) (h) is created to read:

(h) New and modified sources. Any source on which construction or modification commenced on or after the date specified for such source in par. (a)1., 2. or 3. shall meet the emission limitations of this section upon start-up unless the owner or operator of the source demonstrates, to the satisfaction of the department, that compliance upon start-up would be technologically infeasible. Such sources shall instead meet a department-specified compliance schedule which provides for interim emission limitations and for ultimate compliance with the emission limitations of this section. Ultimate compliance shall be as soon as practicable but in no event later than the date the source would have been required to meet under par. (b), (c), (d), (e) or (f) if it had been constructed or modified prior to the date specified in par. (a)1., 2. or 3.

The foregoing rules were approved and adopted by the State of Wisconsin Natural Resources Board on April 23, 1981.

The rules contained herein shall take effect as provided in s. 227.026 (1)(intro.), Stats.

Dated at Madison, Wisconsin June 25, 1981

STATE OF WISCONSIN DEPARTMENT OF NATURAL RESOURCES

By Carroll D. Besadny
Carroll D. Besadny, Secretary

(SEAL)



State of Wisconsin

DEPARTMENT OF NATURAL RESOURCES

Carroll D. Besadny
Secretary

June 26, 1981

BOX 7921
MADISON, WISCONSIN 53707

IN REPLY REFER TO: 1020

Mr. Orlan L. Prestegard
Revisor of Statutes
411 West
C A P I T O L

Dear Mr. Prestegard:

Enclosed are two copies, including one certified copy, of State of Wisconsin Natural Resources Board Order No. A-8-81. These rules were reviewed by the Assembly Committee on Environmental Resources and the Senate Committee on Agriculture and Natural Resources pursuant to s. 227.018, Stats. There were no comments.

You will note that this order takes effect following publication. Kindly publish it in the Administrative Code accordingly.

Sincerely,

A handwritten signature in cursive script that reads "C. D. Besadny".

C. D. Besadny
Secretary

Enc.

