

CR 88-21

State of Wisconsin

DEPARTMENT OF NATURAL RESOURCES

Carroll D. Besadny
Secretary

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STATE OF WISCONSIN)
DEPARTMENT OF NATURAL RESOURCES)

TO ALL TO WHOM THESE PRESENTS SHALL COME, GREETINGS:

I, Bruce B. Braun, Deputy 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. AM-2-88 was duly approved and adopted by this Department on August 25, 1988. 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 here-
unto set my hand and affixed the
official seal of the Department at
the Natural Resources Building in
the City of Madison, this 2nd
day of November, 1988.

Bruce B. Braun
Bruce B. Braun, Deputy Secretary

(SEAL)

1-1-89

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

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AM-2-88

.....
IN THE MATTER of renumbering ss. NR 400.02(77); .
amending ss. NR 400.02(66), NR 404.02(8), .
NR 405.02(27)(a) and NR 484.025(1); and of .
creating ss. NR 400.02(66m), (69m) and (77), .
NR 404.02(4m) and (11), NR 406.04(2)(cm) and .
NR 484.06 of the Wisconsin Administrative Code .
pertaining to definition changes and permit .
exemption criteria for the establishment of .
an ambient air quality standard for .
particulate matter with a diameter of .
10 micrometers or less .
.....

Analysis Prepared by Department of Natural Resources

Statutory Authority: ss. 144.31(1)(a), 144.375(1)(a) and (6)(a) and 227.11(2)(a), Stats.

Statutes Interpreted: ss. 144.31(1)(f) and 144.375(1)(a) and (6)(a), Stats.

On July 1, 1987, U.S. EPA adopted regulations revising the national ambient air quality standard for particulate matter. In its revision EPA replaced total suspended particulates as an indicator for the particulate matter ambient standard with a new indicator that only includes those particles with an aerodynamic diameter less than or equal to a nominal 10 micrometers (PM10). To implement the revised ambient standards U.S. EPA required that states revise their state implementation plans (SIP's) in accordance with the revised federal regulations.

The rules contained in this order incorporate the changes in definitions and the general permit exemption criteria necessary for incorporating the PM10 standard into the state administrative code. The rules do not change the ambient standards themselves (s. NR 404.04, Wis. Adm. Code); those changes will be made in a separate rule order.

Some of the definitions in the proposed rule refer to federal testing and monitoring methods set forth in the federal regulations. The department has requested the consent of the attorney general and the revisor of statutes to incorporate by reference these federal regulations into the proposed rule.

SECTION 1. NR 400.02(66) is amended to read:

NR 400.02(66) "Particulate" or "particulate matter" means, any airborne finely divided solid or liquid material which exists as a solid or liquid at standard conditions except uncombined water with an aerodynamic diameter smaller than 100 micrometers.

SECTION 2. NR 400.02(66m) and (69m) are created to read:

NR 400.02(66m) "Particulate matter emissions" means all finely divided solid or liquid material, other than uncombined water, emitted to the ambient air as measured by an applicable reference method or an equivalent or alternative method specified by the department.

(69m) "PM10 emissions" means finely divided solid or liquid material, with an aerodynamic diameter less than or equal to a nominal 10 micrometers, emitted to the ambient air as measured by an applicable reference method or an equivalent or alternative method specified by the department.

SECTION 3. NR 400.02(77) is renumbered NR 445.02(9m).

SECTION 4. NR 400.02(77) is created to read:

NR 400.02(77) "Reference method" means any method of sampling and analyzing for an air pollutant as described in Appendix A of 40 CFR pt. 60.

SECTION 5. NR 404.02(4m) and (11) are created to read:

NR 404.02(4m) "PM10" means particulate matter with an aerodynamic diameter less than or equal to a nominal 10 micrometers as measured by a

5. PM10: 15 tpy
6. Ozone: 40 tpy of volatile organic compounds
7. Lead: 0.6 tpy
8. Asbestos: 0.007 tpy
9. Beryllium: 0.0004 tpy
10. Mercury: 0.1 tpy
11. Vinyl chloride: 1 tpy
12. Fluorides: 3 tpy
13. Sulfuric acid mist: 7 tpy
14. Hydrogen sulfide (H₂S): 10 tpy
15. Total reduced sulfur (including H₂S): 10 tpy
16. Reduced sulfur compounds (including H₂S): 10 tpy

SECTION 8. NR 406.04(2)(cm) is created to read:

NR 406.04(2)(cm) The source will not emit PM10 at a rate of more than 3.4 pounds per hour, without considering pollution control equipment;

SECTION 9. NR 484.025(1) is amended to read:

NR 484.025(1) Appendix B of 40 CFR pt. 61 for s. NR 445.02(9m) and chs. NR 446 to 483.

SECTION 10. NR 484.06 is created to read:

NR 484.06 CODE OF FEDERAL REGULATIONS IN CHS. NR 400 AND 404. The federal regulations or appendix materials in effect on June 30, 1988 listed in this section are incorporated by reference in the corresponding sections of chs.

NR 400 and 404. Copies of these materials are available for inspection in the offices of the department of natural resources, secretary of state and revisor of statutes, Madison, Wisconsin or may be purchased for personal use from the superintendent of documents, U.S. government printing office, Washington, D.C. 20402.

- (1) Appendix A of 40 CFR pt. 60 for s. NR 400.02(77).
- (2) Appendix B of 40 CFR pt. 50 for s. NR 404.02(11).
- (3) Appendices A to K of 40 CFR pt. 50 for s. NR 404.02(8).
- (4) Appendix J of 40 CFR pt. 50 for s. NR 404.02(4m).
- (5) 40 CFR pt. 53 for s. NR 404.02(4m).

The foregoing rule was approved and adopted by the State of Wisconsin Natural Resources Board on August 25, 1988.

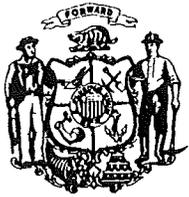
The rule shall take effect as provided in s. 227.22(2)(intro.), Stats., on the first day of the month commencing after the date of publication.

Dated at Madison, Wisconsin November 7, 1988.

STATE OF WISCONSIN
DEPARTMENT OF NATURAL RESOURCES

By Carroll D. Besadny
Carroll D. Besadny, Secretary

(SEAL)
78421



State of Wisconsin

DEPARTMENT OF NATURAL RESOURCES

Carroll D. Besadny
Secretary

November 9, 1988

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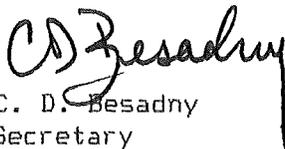
Mr. Orlan L. Prestegard
Revisor of Statutes
Suite 702
30 W. Mifflin Street

Dear Mr. Prestegard:

Enclosed are two copies, including one certified copy, of State of Wisconsin Natural Resources Board Order No. AM-2-88. These rules were reviewed by the Assembly Committee on Environmental Resources and Utilities and the Senate Committee on Urban Affairs, Energy, Environmental Resources and Elections pursuant to s. 227.19, Stats. A summary of the final regulatory flexibility analysis and comments of the legislative review committees is also enclosed.

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

Sincerely,


C. D. Besadny
Secretary

Enc.