

## Chapter NR 439

### REPORTING, RECORDKEEPING, TESTING, INSPECTION AND DEMONSTRATION OF COMPLIANCE REQUIREMENTS

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**NR 439.01 Applicability; purpose.** (1) **APPLICABILITY.** This chapter applies to all air contaminant sources and to all owners or operators of an air contaminant source.

(2) **PURPOSE.** This chapter is adopted under ss. 144.31, 144.34, 144.38 and 144.349, Stats., to establish general reporting, recordkeeping, testing, inspection and demonstration of compliance requirements for all air contaminant sources. Individual chapters of chs. NR 400 to 499, permits or orders may contain additional requirements.

**History:** Cr. Register, September, 1986, No. 369, eff. 10-1-86.

**NR 439.02 Definitions.** The definitions contained in ch. NR 400 apply to the terms used in this chapter.

**History:** Cr. Register, September, 1986, No. 369, eff. 10-1-86.

**NR 439.025 Reporting.** (1) When requested by the department, a person shall furnish to the department information to locate and classify air contaminant sources according to the type, level, duration, frequency and other characteristics of emissions and such other information as may be necessary. The information shall be sufficient to evaluate the effect on air quality and compliance with chs. NR 400 to 499.

(2) The owner or operator of a source requested to submit information under sub. (1) may subsequently be required to submit annually, or at such other intervals as specified by the department, reports detailing any changes in the nature of the source since the previous report and the total annual quantities of the air contaminants emitted.

(3) When requested by the department, the owner or operator of a source to which chs. NR 400 to 499 applies shall submit to the department a standard operating procedure which includes a detailed description of process and emission control equipment startup, operating and shut-down procedures designed to minimize emissions.

(4) When stack or performance tests required by the department are performed by a person other than the department, the test results shall be furnished to the department within 30 days unless the department provides, in writing, a 30-day extension of this deadline. Results of stack or performance tests submitted to the department shall include information from the instrumentation specified in s. NR 439.05 taken at the time of the tests, along with copies of the original data sheets, nozzle and stack

diameter, weight of material sampled and other information needed to evaluate the stack or performance of tests.

(5) The department shall furnish a report of stack or performance tests or inspections it conducts to a representative of the source within 60 days after the testing or inspection is completed.

(6) Except where s. NR 445.05 requires immediate notice of hazardous substance air spills, a person shall report to the department within 8 hours following the onset of a malfunction or other event not reported in advance to the department which causes or may cause any emission limitation, including the visual emission limit, to be violated. A person shall also report to the department emissions in excess of the emissions provided for in a plan approved pursuant to s. NR 436.03 (2) (b). The person shall report the cause and duration of the violation, the period of time considered necessary for correction, and measures taken to minimize emissions during the period.

(7) A person required to operate a continuous monitoring system or monitoring device shall notify the department within 1 week of any shutdown, breakdown, or malfunction of such device or system.

(8) A person shall report to the department in advance schedules for planned shutdown and startup of air pollution control equipment and the measure to be taken to minimize the down time of the control equipment. Scheduled maintenance or startup of other equipment which causes an emission limitation to be exceeded shall also be reported in advance to the department. Advance reporting under this subsection shall not relieve any person from the duty to comply with any applicable emission limitation.

History: Renum. from NR 154.06 (2) and am. Register, September, 1986, No. 369, eff. 10-1-86.

**NR 439.03 Recordkeeping.** (1) The owner or operator of any source to which chs. NR 400 to 499 applies shall maintain records of all testing and monitoring conducted under this chapter, records detailing all malfunctions which cause any applicable emission limitation to be exceeded, including logs to document the implementation of the plan required by s. NR 439.09, records detailing all activities relating to any compliance schedule approved by the department under chs. NR 400 to 499 and any other records relating to the emission of air contaminants which may be requested in writing by the department.

(2) Copies of all records required under sub. (1) shall be retained by the owner or operator for a period 3 years or for such other period as may be specified by the department.

History: Renum. from NR 154.06 (3), and am. Register, September, 1986, No. 369, eff. 10-1-86.

**NR 439.04 Access to records.** No person shall deny information or access to records relating to emissions to an authorized representative of the department.

History: Renum. from NR 154.06 (4) and am. Register, September, 1986, No. 369, eff. 10-1-86.

**NR 439.05 Methods and procedures for source testing.** (1) **ADVANCE NOTICE.** The department shall be notified 10 days in advance of stack or performance tests required by the department to afford it the opportunity, Register, September, 1986, No. 369

nity to have a representative present to witness the testing procedures. Said notice shall provide a test plan which includes:

(a) A description of the sampling equipment.

(b) A description of the processes, operations, and equipment venting to the stack.

(c) A description of process or operation variables which affect the air contaminant source's emissions.

(2) SOURCES OF AIR CONTAMINANTS OTHER THAN VOLATILE ORGANIC COMPOUNDS. (a) The test plan required under sub. (1) shall include, in addition to the information required under sub. (1), a sketch or sketches showing the relative position and elevations of all processes or operations venting to the test stack and also the position of the sampling ports relative to the nearest upstream and downstream gas flow disturbance, and a cross-sectional sketch showing:

1. Stack configuration at the sampling location.
2. Sampling port locations.
3. Sampling point positions of each port.

(b) The department may require: provision for sampling ports, a safe work area for tests crews, safe access to the sampling platform, utilities for sampling and testing equipment, stack or performance tests performed by or under the direction of a qualified engineer or person with demonstrated ability in this field, instrumentation to monitor and record emission data, stack or performance tests performed in compliance with emission test guidelines developed by the department and submitted to the tester prior to the conducting of the test, or transfer of the test data sheets or sample collecting media to the department's witness for evaluation.

(c) Performance tests or stack tests shall follow the guiding principles described in ASME performance test code 27 with a sampling train utilizing a velocity measuring probe during sampling and an integrating gas volume meter for existing direct or portable sources, or sampling methods required or approved by the United States environmental protection agency for direct or portable sources and for hazardous pollutants. Other sampling methods may be prescribed by the department or must have prior approval of the department.

*Note:* See American society of mechanical engineers performance test code 27, copyright 1957. Copies of PTC-27-1957 are available for inspection in the offices of department of natural resources, and secretary of state and revisor of statutes, Madison, Wisconsin, and may be obtained for personal use from the American Society of Mechanical Engineers, 345 East 47th Street, New York, New York 10017.

(3) VOLATILE ORGANIC COMPOUND SOURCES. (a) The owner or operator of any volatile organic compound source to which chs. NR 419 to 425 applies shall demonstrate compliance by methods approved by the department.

(b) The results of volatile organic compound emissions compliance testing shall only be accepted if prior notification has been supplied to the department as required under sub. (1).

*History:* Renum. from NR 154.06 (5) and am. Register, September, 1986, No. 369, eff. 10-1-86.

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**NR 439.06 Instrumentation for air pollution control equipment.** The department may require provisions for instrumentation to determine the efficiency of control equipment. Such instrumentation may include devices to measure voltage, or pressure drop across the control equipment; amperage, exhaust flow rates, or scrubbing solution flow rates to, or in, the control equipment; temperature in the control equipment; or other information determined to be necessary by the department.

History: Renum. from NR 154.06 (6), Register, September, 1986, No. 369, eff. 10-1-86.

**NR 439.07 Entry for inspection.** No person shall deny entry at any reasonable time to an authorized representative of the department for purposes of inspection, or at any time when an air pollution episode condition exists or is believed imminent.

History: Renum. from NR 154.06 (7), Register, September, 1986, No. 369, eff. 10-1-86.

**NR 439.08 Circumvention.** No persons shall cause, allow or permit the installation or use of any article, machine, equipment, process, or method, which conceals an emission which would otherwise constitute a violation of an applicable rule unless written approval has been obtained from the department. Such concealment includes, but is not limited to, the use of gaseous diluents to achieve compliance and the unnecessary separation of an operation into parts to avoid coverage by a rule that applies only to operations larger than a specified size.

History: Renum. from NR 154.06 (8), Register, September, 1986, No. 369, eff. 10-1-86.

**NR 439.09 Malfunction prevention and abatement plans.** (1) The owner or operator of any direct or portable source which may emit hazardous substances or emits more than 15 pounds in any day or 3 pounds in any hour of any air contaminant for which air standards have been adopted shall prepare a malfunction prevention and abatement plan to prevent, detect and correct malfunctions or equipment failures which may cause any emission limitation to be violated or which may cause air pollution. The plan shall be in writing, updated as needed, and shall include:

(a) Identification of the individual(s) responsible for inspecting, maintaining, and repairing the air pollution control equipment.

(b) The maximum intervals for inspection and routine maintenance.

(c) A description of the items or conditions that will be checked.

(d) A listing of materials and spare parts that will be maintained in inventory.

(e) An identification of the source and air pollution control equipment operation variables that will be monitored in order to detect a malfunction or failure; the correct operating range of these variables; and a description of the method of monitoring or surveillance procedures, or a reference to specific pages containing this information in manuals or other documents kept by the owner or operator.

(f) A description of the corrective procedures that will be taken in the event of a malfunction or failure in order to achieve and maintain compliance with the applicable emission limitations as expeditiously as possible but not longer than the time necessary to discontinue operation of the source consistent with safe operating procedures.

(g) Such other information as the department shall deem pertinent.

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(2) The department may order any owner or operator to submit the plan required by sub. (1) for review and approval. The department may amend the plan if deemed necessary for malfunction prevention or the reduction of excess emissions during malfunctions.

(3) No owner or operator shall fail to carry out a plan required under sub. (1) or as amended under sub. (2).

History: Renum. from NR 154.06 (9) and am. Register, September, 1986, No. 369, eff. 10-1-86.