

## Chapter NR 407

## OPERATION PERMITS

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**NR 407.01 Applicability; purpose.** (1) **APPLICABILITY.** This chapter applies to all stationary sources which are required under s. 144.391, Stats., to obtain an operation permit. In accordance with s. 144.391 (6), Stats., sources of certain sizes and types are exempt under s. NR 407.03 from the requirement to obtain an operation permit.

(2) **PURPOSE.** This chapter is adopted under ss. 144.31 (1) (a), (e), (f) and (r), 144.374, 144.38, 144.391, 144.3925, 144.394 (13) and 144.395, Stats., to establish a schedule of dates for the submission of operation permit applications and a schedule of dates for requiring operation permits for various categories of existing sources and to specify the content of operation permit applications and operation permits. This chapter also sets forth procedures for revising, suspending and revoking operation permits.

**History:** Cr. Register, December, 1984, No. 348, eff. 1-1-85; am. (1), Register, May, 1992, No. 437, eff. 6-1-92; am. Register, December, 1993, No. 456, eff. 1-1-94.

**NR 407.02 Definitions.** The definitions contained in chs. NR 400 and 406 apply to the terms used in this chapter. In addition, the following definitions apply to the terms used in this chapter:

(3) "Affected state" means:

(a) Any state that is within 50 miles of the stationary source obtaining an operation permit or undergoing revision or renewal of its operation permit; or

(b) Michigan, Illinois, Iowa or Minnesota if that state's air quality may be affected by the stationary source obtaining an operation permit or undergoing revision or renewal of its operation permit.

(13) "Emissions allowable under the permit" means an enforceable permit term or condition required by an applicable requirement that establishes an emission limit, including a work practice standard, or a federally enforceable emissions cap that the source has assumed to avoid an applicable requirement to which the source would otherwise be subject.

(16) "General operation permit" means an operation permit that may be made applicable to numerous similar stationary sources.

(17) "Major source" means any stationary source, or any group of stationary sources, that is located on one or more contiguous or adjacent

properties, is under common control of the same person or persons under common control, belongs to a single major industrial grouping and that is described in par. (a), (b) or (c). For the purposes of defining "major source", a stationary source or group of stationary sources shall be considered part of a single major industrial grouping if all of the pollutant emitting activities at the source or group of sources have the same 2-digit code as described in the Standard Industrial Classification Manual, 1987, incorporated by reference in s. NR 484.05.

(a) A stationary source that, for pollutants other than radionuclides, emits or has the potential to emit, in the aggregate, 10 tons per year (tpy) or more of any hazardous air pollutant which has been listed pursuant to section 112 (b) of the act (42 USC 7412 (b)), 25 tpy or more of any combination of those hazardous air pollutants, or a lesser quantity as the administrator may establish by rule. Notwithstanding the preceding sentence, emissions from any oil or gas exploration or production well, with its associated equipment, and emissions from any pipeline compressor or pump station may not be aggregated with emissions from other similar units, whether or not the units are in a contiguous area or under common control, to determine whether the units or stations are major sources.

(b) A stationary source that directly emits, or has the potential to emit, 100 tpy or more of any air contaminant. The fugitive emissions of a stationary source may not be considered in determining whether it is a major source for the purposes of this definition, unless the source belongs to one of the following categories of stationary sources:

1. Coal cleaning plants with thermal dryers.
2. Kraft pulp mills.
3. Portland cement plants.
4. Primary zinc smelters.
5. Iron and steel mills.
6. Primary aluminum ore reduction plants.
7. Primary copper smelters.
8. Municipal incinerators capable of charging more than 250 tons of refuse per day.
9. Hydrofluoric, sulfuric or nitric acid plants.
10. Petroleum refineries.
11. Lime plants.
12. Phosphate rock processing plants.
13. Coke oven batteries.
14. Sulfur recovery plants.
15. Carbon black plants, furnace process.
16. Primary lead smelters.
17. Fuel conversion plants.

18. Sintering plants.
19. Secondary metal production plants.
20. Chemical process plants.
21. Fossil-fuel boilers, or combination thereof, totaling more than 250 million British thermal units per hour heat input.
22. Petroleum storage and transfer units with a total storage capacity exceeding 300,000 barrels.
23. Taconite ore processing plants.
24. Glass fiber processing plants.
25. Charcoal production plants.
26. Fossil-fuel-fired steam electric plants of more than 250 million British thermal units per hour heat input.
27. All other stationary source categories regulated by a standard promulgated under section 111 or 112 of the act (42 USC 7411 or 7412), but fugitive emissions shall be considered only for those air contaminants that have been regulated for that category.

(c) A major stationary source as defined in part D of title I of the act (42 USC 7501 to 7515), which is defined as:

1. For ozone nonattainment areas, sources with the potential to emit 100 tpy or more of volatile organic compounds or oxides of nitrogen in areas classified as "marginal" or "moderate", 50 tpy or more in areas classified as "serious", 25 tpy or more in areas classified as "severe", and 10 tpy or more in areas classified as "extreme"; except that the references in this paragraph to 100, 50, 25 and 10 tpy of nitrogen oxides do not apply with respect to any source for which the administrator has made a finding, under section 182 (f) (1) or (2) of the act (42 USC 7511a (f) (1) or (2)), that requirements under section 182 (f) of the act (42 USC 7511a (f)) do not apply.
2. For ozone transport regions established pursuant to section 184 of the act (42 USC 7511c), sources with the potential to emit 50 tpy or more of volatile organic compounds.
3. For carbon monoxide nonattainment areas that are classified as "serious", and in which stationary sources contribute significantly to carbon monoxide levels as determined under rules issued by the administrator, sources with the potential to emit 50 tpy or more of carbon monoxide.
4. For particulate matter (PM<sub>10</sub>) nonattainment areas classified as "serious", sources with the potential to emit 70 tpy or more of PM<sub>10</sub>.

(20) "Non-part 70 source" means any stationary source required to obtain an operation permit that is not a part 70 source.

(22) (a) "Part 70 source" means any of the following stationary sources, except as provided in par. (b):

1. Any major source.
2. Any source subject to a standard, limitation or other requirement under section 111 of the act (42 USC 7411).

3. Any source subject to a standard or other requirement under section 112 of the act (42 USC 7412), except for a source subject solely to regulations or requirements under section 112 (r) of the act (42 USC 7412 (r)).

4. Any affected source.

(b) Notwithstanding par. (a), all sources listed in par. (a) 2. or 3. that are not major sources, affected sources or solid waste incineration units required to obtain permits pursuant to section 129 (e) of the act (42 USC 7429 (e)) are not part 70 sources.

(31) "Renewal" means the process by which an operation permit is reissued at the end of its term.

(32) "State-only requirement" means a requirement designated under s. NR 407.09 (3) (b) as not being federally enforceable.

(35) "Synthetic minor source" means any stationary source that has its potential to emit limited by federally-enforceable permit conditions so that it is not a major source.

History: Cr. Register, December, 1984, No. 348, eff. 1-1-85; renum. (1) to be (intro.), cr. (1), Register, September, 1986, No. 369, eff. 10-1-86; r. and recr. Register, December, 1993, No. 456, eff. 1-1-94; am. (17) (intro.), Register, February, 1995, No. 470, eff. 3-1-95; renum. (1), (2), (4) to be NR 400.02 (1), (1c), (1v), and (5) to (12), (14), (15), (18), (19), (21), (23) to (30), (33), (34) to be NR 409.02 (10), (11), (15), (19), (22), (26), (28), (29), (37), (38), (47), (48), (50), (55), (56), (64), (66), (69) to (72), (78), (79) and am. (72), (78), (79), Register, April, 1995, No. 472, eff. 5-1-95.

**NR 407.025 Permit flexibility.** (1) (a) The owner or operator of an existing source that has an operation permit, or for which a timely and complete application has been submitted, may make a change to the stationary source that contravenes an express term of an operation permit without first obtaining a permit revision if all the following apply:

1. The change does not violate applicable requirements or contravene permit terms and conditions that are monitoring, including use of specified test methods, recordkeeping, reporting or compliance certification requirements.

2. The change is not a modification as defined in s. 144.30 (20), Stats., and rules promulgated thereunder.

3. The change does not cause the existing source to exceed the emissions allowable under the permit, whether expressed in the permit as an emissions rate or in terms of total emissions.

4. Notice is given and the department does not inform the owner or operator of the stationary source that the change is not authorized, as provided in par. (b).

(b) 1. For each change allowed under par. (a), the owner or operator of the existing source shall provide the department and, for part 70 sources, the administrator, with written notification of the proposed change a minimum of 21 days in advance of the date on which the proposed change is to occur. The written notification shall include a brief description of the change within the stationary source, the date on which the change will occur, any change in emissions, and any permit term or condition that is no longer applicable as a result of the change.

2. The owner or operator of the existing source may not make the proposed change if department informs the person before the end of the 21-Register, April, 1995, No. 472

day period provided in subd. 1. that the proposed change is not one authorized under this subsection.

(c) The owner or operator of the existing source, the department and the EPA, if applicable, shall attach each notification of a change made under this subsection to their copy of the relevant operation permit.

(d) The permit shield described in s. 144.3925 (9) (b), Stats., may not apply to any change made pursuant to this subsection.

(2) (a) The department shall, if a owner or operator of an existing source requests it, issue an operation permit that contains terms and conditions, including all terms required under s. NR 407.09 (1), (2) and (4), allowing for the trading of emissions increases and decreases at the existing source solely for the purpose of complying with a federally-enforceable emissions cap that is established in the operation permit independent of otherwise applicable requirements. The permit applicant shall include in the application proposed replicable procedures and permit terms that ensure the emissions trades are quantifiable and enforceable. The department may not include in the emissions trading provisions any emissions units for which emissions are not quantifiable or for which there are no replicable procedures to enforce the emissions trades. Any operation permit issued pursuant to this subsection shall require compliance with all applicable requirements.

(b) For any trade allowed in an operation permit pursuant to par. (a), the owner or operator of the existing source shall provide the department and, for part 70 sources, the administrator, with written notification a minimum of 7 days in advance of the date on which the proposed trade is to occur. The written notification shall state when the change is proposed to occur and shall describe the changes in emissions that will result and how these changes in emissions will comply with the terms and conditions of the permit.

(c) The permit shield described in s. 144.3925 (9) (b), Stats., may extend to terms and conditions that allow the increases and decreases in emissions allowed under this subsection.

History: Cr. Register, December, 1993, No. 456, eff. 1-1-94.

**NR 407.03 Exemptions from operation permit requirements.** (1) **SPECIFIC CATEGORIES OF EXEMPT SOURCES.** Any direct stationary source which is not an affected source and consists solely of one of the following categories of stationary sources is exempt from the requirement to obtain an operation permit provided the requirements of sub. (4) are met:

(a) External combustion furnaces which do not burn any hazardous waste identified under ch. NR 605, or which have been issued a license under ch. NR 680, and which are designed at combined total capacity to burn the following fuels at the maximum rates indicated:

1. Coal, coke or other solid fuels, except wood, at a heat input rate of not more than 1.0 million Btu per hour.

2. Wood alone or wood in combination with gaseous or liquid fuels at a heat input rate of not more than 5.0 million Btu per hour.

3. Residual or crude oil at a heat input rate of not more than 5.0 million Btu per hour.

4. Distillate oil at a heat input rate of not more than 10 million Btu per hour.

5. Gaseous fuel at a heat input rate of not more than 40 million Btu per hour.

(b) Equipment designed to incinerate solid wastes, which are not pathological wastes, infectious wastes, municipal wastes or hazardous wastes under ch. NR 605, at a rate of not more than 500 pounds per hour.

(c) Equipment which is designed to dry grain at a rate of not more than 1,500 bushels per hour at 5% moisture extraction and which is not subject to s. NR 440.47.

(d) Portland concrete batch plants which produce less than 20,000 cubic yards of concrete per month averaged over any 12 consecutive month period.

(e) Storage tanks containing organic compounds with a true vapor pressure in pounds per square inch absolute at 70°F of less than 1.52 with a combined total tankage capacity of not more than 40,000 gallons.

(f) VOC storage tanks with a combined total tankage capacity of not more than 10,000 gallons of volatile organic compounds.

(g) Painting or coating operations, including associated quality assurance laboratories and cleaning operations which emit or will emit not more than 1,666 pounds of organic compounds per month, which are measured prior to entering any emission control devices.

(h) Graphic arts operations, including associated quality assurance laboratories and cleaning operations which emit or will emit not more than 1,666 pounds of organic compounds per month, which are measured prior to entering any emission control devices.

(i) Cold cleaning equipment with a total air to solvent interface of 1.0 square meters or less during operation.

(j) Open top vapor degreasing equipment with a total air to vapor interface of 1.0 square meters or less during operation.

(k) Dry cleaning operations with a total maximum operating capacity for all machines of 75 pounds of clothes per hour.

(l) Private alcohol fuel production systems as defined in s. 144.438 (1) (c), Stats.

(m) Crematories.

(n) Indirect malt dryers which are designed to burn fuels specified in par. (a) at a heat input rate less than the rates specified in par. (a).

(o) A laboratory which emits organic compounds, sulfur dioxide, carbon monoxide, nitrogen oxides or particulate matter or a combination thereof at a rate of less than 5.7 pounds per hour unless the emissions of any single hazardous air pollutant as defined by section 112 (b) of the act (42 USC 7412 (b)) equal or exceed 10 tons per year or the cumulative emissions of all such hazardous air pollutants equal or exceed 25 tons per year. Hourly emissions shall be determined, based on the quantitative estimate of air contaminants before they enter any emission control devices, by dividing the total uncontrolled emissions which would have oc-

curred during a calendar month by the total hours of operation of the laboratory during that calendar month. A laboratory is in operation if laboratory apparatus or equipment is in use.

(p) Equipment the primary purpose of which is to transport or sort paper.

(q) Facilities for chlorination of municipal drinking water, the intake of once through industrial process or cooling water, or water for swimming pools, spas or other recreational establishments.

(r) Gasoline dispensing facilities which dispense gasoline or other petroleum products.

(s) Bulk gasoline plants which distribute gasoline or other petroleum products and which have an average daily throughput of less than 15,000 liters (4,000 gallons), based on a 30-day rolling average.

(sm) The following procedures for the remediation of soil or water contaminated with organic compounds, provided the potential to emit, considering emission control devices, for any hazardous air contaminant listed in Table 1 to Table 4 of s. NR 445.04 is not greater than the emission rate listed in Table 1 to Table 4 of s. NR 445.04 for the air contaminant at the respective stack height:

1. Landspreading of contaminated soil, including the agricultural landspreading of soil contaminated with pesticide or fertilizer.

2. Negative pressure venting of contaminated soil or bioremediation, provided the remediation is completed within 18 months or the potential to emit organic compounds from the remediation site is at a rate of not more than 5.7 pounds per hour, considering emission control devices.

3. Pilot testing of a negative pressure venting system provided the testing is limited to a total withdrawal of not more than 150,000 standard cubic feet (scf) of air.

Note: The total withdrawal may be determined by the equation: Total withdrawal (scf) = hours of operation of pilot test (hr) × average flow rate in cubic feet per minute at standard conditions (scfm) × 60 min/hr. An example is: 10 hours of operation × 250 scfm × 60 min/hr = 150,000 scf. When testing at multiple flow rates, determine the withdrawal for each flow rate and sum the withdrawals for a total withdrawal.

4. Landfilling of contaminated soil.

5. Installation and use of devices which remove organic compounds from a private or municipal potable water supply.

6. Installation and use of crop irrigation systems or dewatering wells to remediate contaminated water.

7. Installation and use of air strippers for treatment of contaminated water, provided the remediation is completed within 18 months or the potential to emit organic compounds from the remediation site is at a rate of not more than 5.7 pounds per hour, considering emission control devices.

8. Installation and use of any devices or techniques not listed in this paragraph which are used to remediate soil or water contaminated with organic compounds, if the device or technique is not portable and is not a thermal evaporation unit, and the remediation is completed within 18 months.

9. Installation and use of any technique or device to remediate soil or water contaminated with organic compounds as part of actions taken by EPA under the authority of the comprehensive environmental response compensation and liability act of 1980, 42 USC 9601 et seq., by the department under the authority of s. 144.442 or 144.76, Stats., or by a responsible party in compliance with the requirements of an administrative order, consent decree or contract issued pursuant to the comprehensive environmental response compensation and liability act of 1980, 42 USC 9601 et seq., or s. 144.442 or 144.76, Stats.

Note: Even though these sources are exempt from permit requirements, they are still subject to the notification requirements under s. NR 419.07 (2).

(sq) Renovation or demolition operations involving friable asbestos containing material.

(t) A combination of emission units which consists of not more than one each of the following specific categories of sources:

1. Fuel burning equipment otherwise exempt under par. (a).

2. Equipment designed to incinerate solid wastes otherwise exempt under par. (b).

3. Storage tanks of organic compounds with a combined total tankage capacity of not more than 40,000 gallons if not more than 10,000 gallons of the storage tanks' capacity is used for storage of volatile organic compounds.

4. Only one of the other specific category exemptions listed in pars. (c), (d) and (g) to (s).

(u) Emergency electric generators powered by internal combustion engines which are fueled by gaseous fuels, gasoline or distillate fuel oil with an electric output of less than 3,000 kilowatts.

(v) Any quarry, mine or other facility where nonmetallic minerals are extracted that is not a ledge rock quarry or industrial sand mine.

(w) Ledge rock quarries with actual production of less than 25,000 tons per month on a rolling 12 month average, or with actual operation of less than 365 days per 5 year period.

(x) Industrial sand mines with actual production of less than 2,000 tons per month on a rolling 12 month average.

(y) Fixed sand and gravel plants and fixed crushed stone plants with capacities of 25 tons per hour or less.

(z) Portable sand and gravel plants and portable crushed stone plants with capacities of 150 tons per hour or less.

(2) GENERAL CATEGORY OF EXEMPT SOURCES. In addition to the specific categories of exempt sources identified in sub. (1), no operation permit is required for a direct source if the source is not a part 70 source or an affected source and:

(a) The maximum theoretical emissions from the source for sulfur dioxide or carbon monoxide do not exceed 9.0 pounds per hour for each air contaminant;



(b) The maximum theoretical emissions from the source for particulate matter, nitrogen oxides or organic compounds do not exceed 5.7 pounds per hour for each air contaminant;

(bm) The maximum theoretical emissions from the source for lead do not exceed 0.13 pounds per hour;

(c) The source will not emit any of the air contaminants listed in s. NR 405.02 (27) (a) at a rate greater than the applicable emission rate listed in s. NR 405.02 (27) (a);

(d) The maximum theoretical emissions from the source for any hazardous air contaminant listed in Table 1, 2, 3, 4 or 5 of s. NR 445.04 do not exceed the emission rate listed in the table for the hazardous air contaminant for the respective stack height;

(e) The source will not have maximum theoretical emissions of any single hazardous air pollutant as defined by section 112 (b) of the act (42 USC 7412 (b)) that equal or exceed 10 tons per year or cumulative maximum theoretical emissions of all the hazardous air pollutants defined by section 112 (b) of the act (42 USC 7412 (b)) that equal or exceed 25 tons per year;

(f) The source is not subject to any standard or regulation under section 111 of the act (42 USC 7411); and

(g) The source is not subject to any standard or regulation under section 112 of the act (42 USC 7412).

(3) **SPECIFIC CATEGORIES OF EXEMPT INDIRECT SOURCES.** The following categories of indirect sources are exempt from the requirement to obtain an operation permit:

(a) *Existing sources.* All indirect sources on which construction or modification commenced on or prior to November 15, 1992.

(b) *Road and highway projects.* All indirect sources which are road or highway projects.

(c) *Indirect sources with associated parking.* If the indirect source will not be a road or highway project, no operation permit is required if the source will be:

1. An indirect source located in a metropolitan county with a parking capacity of less than 1000 cars in its associated parking areas.

2. An indirect source located in a metropolitan county with a parking capacity increase of less than 1000 cars in its associated parking areas.

3. An indirect source located outside the metropolitan counties with a parking capacity of less than 1500 cars in its associated parking areas.

4. An indirect source located outside the metropolitan counties with a parking capacity increase of less than 1500 cars in its associated parking areas.

(4) **CONDITIONS FOR SPECIFIC EXEMPTIONS.** In order to be eligible for a specific exemption under sub. (1) (d), (g), (h), (o), (s) or (sm), the owner or operator of a direct stationary source shall keep and maintain records of materials used, emissions or production rates, whichever is appropriate, that are adequate to demonstrate that the source qualifies for the

exemption. The owner or operator of a direct stationary source shall begin keeping these records no later than January 1, 1994 or the date that the source commences operation, whichever is later, and maintain them for a minimum of 5 years. After January 1, 1994, any direct stationary source that ever exceeds any level listed in sub. (1) (d), (g), (h), (o), (s) or (sm) is not eligible for the exemption under that subsection.

(5) **EXEMPTIONS FROM PERMIT REQUIREMENTS FOR INDIRECT SOURCES.** Pursuant to s. 144.393 (4) (a), Stats., the permit requirements in s. 144.393 (2) (b) and (3) (a), Stats., do not apply to indirect sources.

**History:** Cr. Register, December, 1984, No. 348, eff. 1-1-85; cr. (2) (bm), r. and recr. (2) (d), am. (2) (e), Register, September, 1988, No. 393; eff. 10-1-88; am. (1) (a) (intro.), 1. to 3., (b), (g), (h), (o), (2) (a), (b), (bm), (c) 1. and 5., (d) and (e), Register, May, 1992, No. 437, eff. 6-1-92; am. (1) (intro.), (a) (intro.) and 5., (b) to (e), (2) (intro.), (a) to (c), cr. (1) (sm), (sq) and (u), (2) (f), (g), (3) to (5), r. (2) (c) 1. to 5., r. and recr. (2) (e), Register, December, 1993, No. 456, eff. 1-1-94; cr. (1) (v) to (z), Register, June, 1994, No. 462, eff. 7-1-94; am. (1) (sm) (intro.), 1. to 3., r. 5., renum. 6. to 10. to be 5. to 9. and am. 7. and 9., Register, September, 1994, No. 465, eff. 10-1-94; am. (2) (d), Register, December, 1994, No. 468, eff. 1-1-95; am. (1) (intro.), (2) (intro.), Register, April, 1995, No. 472, eff. 5-1-95.

**NR 407.04 Application filing dates.** (1) **INITIAL FILING DATES.** Except as provided in sub. (3), the owner or operator of an air contaminant source which is not exempt under s. 144.391 (5), Stats., or s. NR 407.03 shall submit an operation permit application on application forms available from the department by the following dates:

**Note:** Application forms may be obtained from the district and area offices of the Department or from the Wisconsin Department of Natural Resources, Bureau of Air Management, Permits Section, PO Box 7921, Madison WI 53707-7921.

(a) *Existing sources, initial application.* For initial applications for all existing sources, the date in the appropriate column of Table 1 for part 70 and non-part 70 sources corresponding to the county in which the source is located. Where the location of a source is in 2 or more counties, the date an application is due shall be the latest date listed for any of the counties in which the source is located. Any existing air contaminant source for which an application is submitted requesting that it be made a synthetic minor source is a part 70 source until a permit making that source a synthetic minor source is issued and, except as allowed in sub. (3), is subject to the filing dates listed for part 70 sources. If a source submits an application on or before the date specified in Table 1 and the department determines that the application is incomplete, the source shall have 30 days from the date that the department notifies the source of the incompleteness determination to complete the application.

(b) *New and modified sources.* 1. In accordance with s. 144.374 (2) (b), Stats., for new or modified sources for which a construction permit is required and which apply for a construction permit after November 15, 1992, the date that the application for the construction permit is filed.

2. For new or modified sources for which a construction permit is required and which applied for a construction permit before November 15, 1992, a date at least 120 days prior to the expiration date of the construction permit.

3. For new or modified sources for which no construction permit is required, the application for an operation permit shall be filed before the source commences construction or modification.

(2) **PERMIT RENEWAL.** Pursuant to s. 144.396 (3), Stats., a permittee shall apply for renewal of an operation permit at least 12 months, but not

more than 18 months, before the permit expires. No permittee may continue operation of a source after the operation permit expires, unless the permittee submits a timely and complete application for renewal of the permit.

(3) EXTENSIONS AND DEFERRALS. (a) *Extensions for cause.* An existing source may request and the department may grant an extension of not more than 60 days beyond the applicable date specified in sub. (1) (a) if all of the following conditions are met:

1. a. The extension is requested in writing at least 30 but no more than 90 days before the application is due.

b. The department may waive the 30 day requirement in subd. 1. a. if an emergency occurs that makes it impossible for the source to meet that deadline.

2. The applicant demonstrates that the reason that they cannot meet the date specified in sub. (1) (a) is beyond their reasonable control.

3. The extension does not extend the date that a complete application is due for a part 70 source beyond November 15, 1995.

(b) *Deferral for sources proposing to become synthetic minor sources.* 1. If an existing source proposes to be permitted as a synthetic minor source in order to avoid being classified as a part 70 source, the owner or operator shall:

a. Submit a complete application for an operation permit for a non-part 70 source in accordance with s. NR 407.05 (4) and (8) by the date that a part 70 source permit application would be due for that source under the schedule in Table 1.

b. Submit information to show that the actual emissions of each air contaminant emitted by the source for the 2 most recent years prior to the submittal of the application for an operation permit were less than the corresponding thresholds for being classified a major source under s. NR 407.02 (17). If available, actual emissions, as reported to the department pursuant to ch. NR 438, shall be submitted.

c. Submit information to show that the source is a part 70 source solely due to its classification as a major source.

2. The department shall review the application and determine whether the source may be permitted as a non-part 70 source and whether the source has demonstrated that the requirements of subd. 1 have been met. If the department determines that the source may be permitted as a non-part 70 source and the requirements of subd. 1 have been met, it shall process the application in accordance with ss. 144.3925, Stats., NR 407.07 and 407.09. If the department determines that the source may not be permitted as a non-part 70 source, the department shall notify the source of that determination. The owner or operator of the source shall then submit to the department a complete application for a part 70 source in accordance with s. NR 407.05 (4) by October 30, 1995.

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TABLE 1 — APPLICATION FILING DATES FOR AIR  
POLLUTION OPERATION PERMITS FOR EXISTING  
SOURCES

County of location	Application filing date for part 70 sources	Application filing date for non-part 70 sources
Adams	June 1, 1994	August 1, 1997
Ashland	June 1, 1994	August 1, 1997
Barron	March 1, 1995	May 1, 1998
Bayfield	June 1, 1995	August 1, 1998
Brown	May 1, 1995	July 1, 1998
Buffalo	October 1, 1994	December 1, 1997
Burnett	December 1, 1994	February 1, 1998
Calumet	May 1, 1994	July 1, 1997
Chippewa	June 1, 1995	August 1, 1998
Clark	March 1, 1995	May 1, 1998
Columbia	May 1, 1994	July 1, 1997
Crawford	May 1, 1994	July 1, 1997
Dane	September 1, 1995	November 1, 1998
Dodge	May 1, 1995	July 1, 1998
Door	September 1, 1994	November 1, 1997
Douglas	May 1, 1994	August 1, 1998
Dunn	August 1, 1994	October 1, 1997
Eau Claire	December 1, 1994	February 1, 1998
Florence	August 1, 1994	October 1, 1997
Fond du Lac	September 1, 1994	November 1, 1997
Forest	June 1, 1994	August 1, 1997
Grant	August 1, 1994	October 1, 1997
Green Lake	May 1, 1995	July 1, 1998
Green	February 1, 1995	April 1, 1998
Iowa	January 1, 1995	March 1, 1998
Iron	December 1, 1994	February 1, 1998
Jackson	March 1, 1995	May 1, 1998
Jefferson	November 1, 1994	January 1, 1998
Juneau	June 1, 1994	August 1, 1997
Kenosha	January 1, 1995	March 1, 1998
Kewaunee	September 1, 1994	November 1, 1997
La Crosse	September 1, 1995	November 1, 1998
Lafayette	January 1, 1995	March 1, 1998
Langlade	June 1, 1994	August 1, 1997
Lincoln	August 1, 1994	October 1, 1997
Manitowoc	February 1, 1995	April 1, 1998
Marathon	May 1, 1995	July 1, 1998
Marinette	August 1, 1994	October 1, 1997
Marquette	May 1, 1995	July 1, 1998
Menominee	July 1, 1994	September 1, 1997
Milwaukee, South of Wisconsin Avenue	July 1, 1995	June 1, 1998
Milwaukee, North of Wisconsin Avenue	April 1, 1995	September 1, 1998
Monroe	March 1, 1995	May 1, 1998

County of location	Application filing date for part 70 sources	Application filing date for non-part 70 sources
Oconto	July 1, 1994	September 1, 1997
Oneida	May 1, 1994	July 1, 1997
Outagamie	November 1, 1994	January 1, 1998
Ozaukee	July 1, 1994	September 1, 1997
Pepin	December 1, 1994	February 1, 1998
Pierce	June 1, 1994	August 1, 1997
Polk	March 1, 1995	May 1, 1998
Portage	November 1, 1994	January 1, 1998
Price	June 1, 1995	July 1, 1997
Racine	January 1, 1995	March 1, 1998
Richland	August 1, 1994	October 1, 1997
Rock	February 1, 1995	April 1, 1998
Rusk	December 1, 1994	February 1, 1998
Sauk	June 1, 1994	August 1, 1997
Sawyer	December 1, 1994	February 1, 1998
Shawano	June 1, 1994	August 1, 1997
Sheboygan	October 1, 1994	December 1, 1997
St Croix	August 1, 1994	October 1, 1997
Taylor	December 1, 1994	February 1, 1998
Trempealeau	October 1, 1994	December 1, 1997
Vernon	December 1, 1994	February 1, 1998
Vilas	May 1, 1994	July 1, 1997
Walworth	May 1, 1994	July 1, 1997
Washburn	December 1, 1994	February 1, 1998
Washington	June 1, 1994	August 1, 1997
Waukesha	October 1, 1995	December 1, 1998
Waupaca	September 1, 1994	November 1, 1997
Waushara	September 1, 1994	November 1, 1997
Winnebago	August 1, 1995	October 1, 1998
Wood	February 1, 1995	April 1, 1998
Portable sources located anywhere in Wisconsin	October 1, 1995	December 1, 1998

**History:** Cr. Register, December, 1984, No. 348, eff. 1-1-85; renum. (1) to be (1) (a), cr. (1) (b), Register, September, 1988, No. 393, eff. 10-1-88; am. (1) (a), renum. Table, Register, May, 1992, No. 437, eff. 6-1-92; am. (1) (a), Register, June, 1993, No. 450, eff. 7-1-93; r. and recr. Register, December, 1993, No. 456, eff. 1-1-94.

**NR 407.05 Applications and forms.** (1) Applications for operation permits and renewals of operation permits shall be made on forms supplied by the department for these purposes and supplemented with other materials as required by the forms. The forms may be supplied by the department in an electronic format, such as on a computer disk, if so requested by the applicant.

**Note:** Application forms may be obtained from the district and area offices of the Department or from the Wisconsin Department of Natural Resources, Bureau of Air Management, Permits Section, P.O. Box 7921, Madison WI 53707-7921.

(2) Application materials may be submitted on paper or in an electronic format. The applicant shall file 3 copies of all forms and other materials required by the application which are submitted on paper. The applicant shall file one copy of all forms and other materials which are Register, December, 1993, No. 456