

Report to
Legislative Council Rules Clearinghouse
NR 460, 463 and 484, Wis. Adm. Code
Natural Resources Board Order No. AM-29-06

Wisconsin Statutory Authority

ss. 227.11(2)(a), 227.14(1m), 285.11(1) and 285.27(2)(a), Stats., interpreting ss. 285.11(6) and 285.27(2)(a), Stats.

Federal Authority

40 CRG Part 63, Subpart EEEEE and 70 FR 29400

Court Decisions Directly Relevant

None

Analysis of the Rule - Rule Effect - Reason for the Rule

The U.S. Environmental Protection Agency promulgated the National Emission Standard for Hazardous Air Pollutants (NESHAP) for iron and steel foundries on April 22, 2004, and amended this NESHAP on May 20, 2005. The proposed rule incorporates this NESHAP, as amended, into the Wisconsin Administrative Code by creating ch. NR 463, subch. III and Appendix EEEEE in ch. NR 460. Chapter NR 484 is also amended to incorporate by reference two test methods. Since the proposed regulation is already in effect at the national level, there is little discretion for the Department in promulgating this rule. The proposed rule will affect about 26 facilities statewide.

The proposed rule will regulate the emissions of hazardous air pollutants (HAP) from those iron and steel foundries which are major sources of federal HAPs (affected sources). The proposed rule specifies particulate matter, total metal HAP, volatile organic HAP (VOHAP) and triethylamine (TEA) emission limits for various foundry processes, including scrap preheating, metal melting and pouring, and mold making. The rule also specifies operating limits for emission control devices, work practice standards for scrap selection and preheating, and includes operation and maintenance requirements that apply to control devices and capture systems.

Existing affected sources have until April 23, 2007 to achieve compliance. New or reconstructed affected sources must achieve compliance by April 22, 2004 (if initial startup is before that date) or the date of initial startup. Sources have until their final compliance date to reduce HAP emissions below the major source level and thereby avoid the rule. Sources may also become a synthetic minor HAP source to avoid the rule by obtaining and complying with a federally enforceable permit that restricts HAP emissions prior to the final compliance date.

Agency Procedures for Promulgation

Public hearing, Natural Resources Board final adoption, followed by legislative review.

Description of any Forms (attach copies if available)

None

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