

Report to
Legislative Council Rules Clearinghouse
NR 406, 407 and 445, Wis. Adm. Code
Natural Resources Board Order No. AM-24-07

Wisconsin Statutory Authority

ss. 285.11(1), 285.13 and 285.17, Stats., interpreting ss. 285.11(1), 285.13 and 285.17, Stats. The State Implementation Plan developed under s. 285.11(6), Stats., is also revised.

Federal Authority

N/A

Court Decisions Directly Relevant

None

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

This proposal is to extend the compliance deadline to July 31, 2011 for air permit and hazardous air pollutant requirements associated with agricultural waste under chs. NR 406, 407 and 445. The reason this rule is needed is that results of ongoing state and federal air monitoring studies of animal feeding operations will not be available in time to support implementation of current rules by the July 2007 and June 2008 compliance deadlines. Extension of the compliance deadline to July 31, 2011 will allow sufficient time for completion of these studies and development of compliance plans by affected sources. When the original rule language was adopted in 2004, it was anticipated that these study results would be available to support timely rule implementation.

The results of the state study will be available by mid-2008 and results of the federal study will be available by mid-2010. The study results will provide an emissions estimation methodology for calculating emissions associated with agricultural waste, which is necessary to determine rule applicability and compliance options.

In addition, this proposal includes minor technical corrections to ch. NR 445.

Agency Procedures for Promulgation

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

Description of any Forms (attach copies if available)

None

Name and Telephone Number of Agency Contacts

Eileen Pierce, South Central Regional Air and Waste Leader – 275-3296
Bob Eckdale, Bureau of Air Management – 266-2856
Michael Scott, Bureau of Legal Services – 266-7527
Carol Turner, Bureau of Legal Services - 266-1959

Submitted on July 13, 2007