

Report to
Legislative Council Rules Clearinghouse
NR 405, 407, 409 and 484, Wis. Adm. Code
Natural Resources Board Order No. AM-34-07

Wisconsin Statutory Authority

ss. 227.11(2)(a) and 285.11(1) and (16), Stats., interpreting ss. 227.11(2)(a), 227.14(1m)(b), 285.11(1) and (16), Stats. The State Implementation Plan developed under s. 285.11(6), Stats., is revised.

Federal Authority

Federal Clean Air Act

Court Decisions Directly Relevant

None

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

The Department proposes to proceed with the development of rules to amend the definition of "major stationary source" in s. NR 405.02(22)(a), such that ethanol production facilities that produce ethanol by natural fermentation are not included in the Chemical Processing Plant category. The other changes are to ss. NR 405.07(4)(a)20., 407.02(4)(b) and 408.02(21)(e), which will state that fugitive emissions from these ethanol production facilities will no longer be included in determining whether a facility is considered a major source. This rule package is initiated because of similar federal rule changes published May 1, 2007.

In addition, a federal rule clarifying two elements of the major source permitting program was promulgated on January 6, 2004. The first is the additional of a definition of replacement unit and the second clarifies a component of the emission calculation used when determining emissions under a plantwide applicability limitation (PAL). U.S. EPA has required permitting agencies to add these elements during the next reopening of the permit program regulations.

Agency Procedures for Promulgation

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

Description of any Forms (attach copies if available)

None

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