Clearinghouse Rule 98-181

State of Wisconsin \ DEPARTMENT OF NATURAL RESOURCES

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STATE OF WISCONSIN)
) ss
DEPARTMENT OF NATURAL RESOURCES)

TO ALL TO WHOM THESE PRESENTS SHALL COME, GREETINGS:

I, George E. Meyer, Secretary of the Department of Natural Resources and custodian of the official records of said Department, do hereby certify that the annexed copy of Natural Resources Board Order No. AM-38-98 was duly approved and adopted by this Department on April 28, 1999. I further certify that said copy has been compared by me with the original on file in this Department and that the same is a true copy thereof, and of the whole of such original.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the official seal of the Department at the Natural Resources Building in the City of Madison, this 28th day of July, 1999

George E. Meyer

George E. Meyer, Secretary

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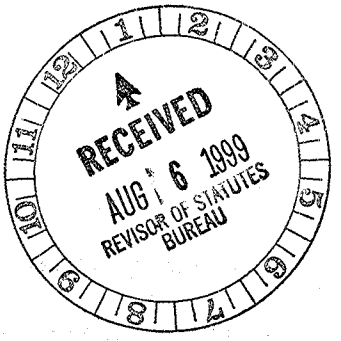

ORDER OF THE STATE OF WISCONSIN
NATURAL RESOURCES BOARD
REPEALING, RENUMBERING, AMENDING, REPEALING AND RECREATING AND CREATING RULES

The Wisconsin Natural Resources Board adopts an order to **repeal** NR 406.04(2)(e) and (h), 419.08(7), 439.02(7), 422.15(1)(j), 447.02(3) Note, 448.04(4)(a)1. and 2., 484.04 Table 2 footnote 1, 484.05(9) and (10) and 484.10(12m) and (35); to **renumber** NR 400.02(1a) to (20), (21e) to (22), (22m) to (28m), (30) to (41), (42) to (43a), (43b) to (43d), (43m) to (47m), (48) to (55), (55e) to (67), (68) to (69s), (71), (75), (77) to (79), (80e) to (83), (86) to (99), (100)(intro.) and (a) to (x) and (101), 406.04(1)(i)1.(intro.) and a. to c., 440.675(2)(a)(intro.) and 1. to 18., 440.686(2)(a)(intro.) and 1. to 18. and 489.08(6); to **renumber and amend** NR 400.02(21c), (22e), (29), (41m), (43e), (70), (72), (76), (80) and (84), 406.04(1)(i)2. and (2)(i), 420.03(5)(b)6. and 7. and (6)(b)9., 438.03 Table 1 footnotes 4 and 5, 440.675(2)(a)16., 440.686(2)(a)16., 484.10(55) and (56) and 489.08(7) and (8); to **amend** NR 400 (intro.) Note, 401.05, 404.02(intro.), 405.02(21)(b)(intro.) and 5. and (22)(c), 405.07(8)(a)9., 406.04(1)(intro.), (a)(intro.), 2. and 5., (g), (h) and (j), 407.02(4)(a), 407.03(1)(g), (h) and (o) and (2)(intro.), (e) and (g), 407.04 (title), 407.04(1)(intro.) and (b)3., 407.05(4)(c)9.a., 407.05 Table 2, 407.10(6)(intro.), 407.15 (title), 408.06(2)(intro.) and (a) and (8), 409.02(34), 409.05(3)(b)2. and 3., 409.06(7)(b), 409.08(1)(d) Note, 415.02(intro.) and (9), 415.04(4)(a) and (b), 415.05 (title), 415.06 (title), (1)(c)1. and (4), 415.07 (title), 415.075 (title), 415.076 (title), 417.01(2), 417.07(5)(g), 418.01(2), 419.02(14)(intro.), 419.06(3), 419.07(1) Note and (4)(d)2.c. Note, 419.08(1)(c), (2)(intro.), (b) and (c), (3), (5) and (6)(intro.), 420.02(intro.), (31) and (41), 420.03(1)(a) and (5)(b)5., 420.04(2)(a)2. and (3)(g)1., 421.04(3)(a)2., 421.05(2)(e)3., 421.06(2)(e)3., 422.02(42), 422.04(4), 422.125(4)(intro.), 422.14(2)(intro.), (a) and (b), 422.142(5)(d), 423.03(2)(g)2., (4)(c)(intro.) and 1., (d), (h) and (k), (5)(c)(intro.) and (7)(c), 424.02(intro.), 424.03(3)(intro.), 425.02(intro.) and (2), 425.03(9)(a)(intro.) and 1., (10)(a) and (d) and (12)(a)(intro.) and 1. to 6. and 7.(intro.), 425.04(1)(b), 429.04(1)(f), 436.03(1), 436.06(3)(b)2., 438.02(2), 438.03 Table 1, 438.03(5)(a), 439.06(3)(intro.) and (h), 439.07(1) and (4), 439.08(1)(a), (d) and (f) and (2)(a) and (b), 439.085(2)(a)1., (b)1. and (c)1., 440.285(2)(k), 445.02(intro.) and (1), 445.03, 445.05(1)(a)(intro.) and 1., (4)(a)(intro.) and 1. and (6)(a)1.(intro.), a. and b., 2.(intro.), a. and b., 3.(intro.), a. and b., (b)(intro.), 1., 1m., and 2., (d)3., (f)3.(intro.) and a., (g)(intro.), 1., 1m. and 2. and (7)(b)(intro.), 1. and 2., 445.08, 446.04(3)(d) Note, 446.05(2)(a), (3)(intro.) and (b), 447.02(3), 447.08(2)(a), (3)(a)1., (4)(intro.) and (a) and (6)(a), 447.13(1)(a)4., 447.15(1)(a)1., 447.16(2), 448.03(1)(b) and (2), 448.04(4)(a)(intro.), 449.07(2)(h)3.(intro.) and a., 460.01(2), 460.10(2)(f), 460 Appendix T, 463.12(5)(b)(intro.), 468.20(1)(g), (2)(mm)(intro.), 1. and 2., (r)1. and 2., (3)(a)3., (b)(intro.), 1. and 2., (e)(intro.), 1. and 2., (f), (g) and (h), (4)(b)(intro.), 1. and 2. and (c)(intro.), 1. and 2., (5)(b)(intro.), 1., 2., 3., 4. and 5., (c)(intro.), 1. and 2., 484.03(intro.), Note and (4), 484.04(intro.), Note, (11), (13), (16), (23) and (24), 484.05(1), (3) and (8), 484.06(2) and (3) Note, 484.10(intro.), Note and (1) to (10), (13) to (16), (18), (19), (21), (22), (24), (25) to (29), (31), (32), (33), (34), (36), (37), (39) to (42), (47) to (52) and (54), 484.11(5), 485.02(8), (9) and (23), 485.04(2)(c), (8)(a) and (b) and (10)(intro.), 487.14 Table 5, 489.01(1), 489.02(intro.), (6), (22) and (23), 489.04, 489.05(1) and (2), 489.06(1) to (4), 489.08(intro.), (3)(a) and (b), (4)(a) and (b) and (5)(b) and (d)1.b., 489.10(5), 489.11, 490.025(1), 490.03(1), 492.01(1) and (2) and 493 Table 2 (1)(b)3. and (c)3. and Table 3 (1)(a)2., (b)2. and (c)2.; to **repeal and recreate** NR 406.04(4)(intro.), 408.06(2)(b), 422.03(7) and 484.05(9); and to **create** NR 400.02(55) Note, (74), (78), (87) and Note, (126) Note, (128) Note, (143) Note, (162)(x), (xa), (xb), (xc), (xd), (xe), (xf), (xg), (xh), (xi), (xj), (xk), (xL), (xm), (xn), (xo), (xp), (xq), (xr) and (y), 400.03(2)(ns) and (rg) and (4)(dg) and (ks), 401.025(3), 406.04(intro.) and (4)(h), 407.04(intro.), 407.05 Table 2 new row, 407.10(6)(a)(intro.), 420.03(5)(b)6., (c) and (d) and (6)(b)9., 421.05(3)(b)2. Note, 421.06(3)(b)2. Note, 422.03(9)(c) Note, 422.125(6)(d)6. Note, 422.142(6)(b)3. Note, 422.15(1)(k) Note, 423.05(3)(b)2. Note, 424.04(3)(b)2. Note, 424.05(6)(b)4. Note, 438.03 Table 1 footnote 4, 446.01(2) Note, 447.01(2) Note, 448.01(2) Note, 449.01(2) Note, 484.06(4), 484.10(34) Note and (55), 489.085(title) and 493.01(2) Note, relating to updating and cleanup changes to the NR 400 series.

AM-38-98

Analysis Prepared by the Department of Natural Resources

Authorizing statutes: ss. 227.11(2)(a) and 285.11(1), Stats.

Statutes interpreted: s. 285.11(6), Stats. The State Implementation Plan developed under that provision is revised.

Updating and cleanup changes are proposed to address issues of rule clarity, consistency between chapters of the Administrative Code, and consistency with DNR and U.S. EPA policies and procedures. The changes include the revision of the state air program definition of "volatile organic compound" in s. NR 400.02 to exclude 20 additional compounds now excluded from the federal definition in 40 CFR 51.100(s)(1). This means these compounds will no longer be regulated as VOCs. One compound now excluded from the federal definition, perchloroethylene, is not proposed for addition to the state VOC exclusion list at this time. Also included is a revision to allow less frequent inspection of internal floating roofs of storage tanks for petroleum liquids as allowed under a similar current federal rule and a revision allowing certain surface coating VOC emission limits to be met by achievement of a 95% overall VOC control efficiency as provided in model federal regulations.

Other changes in this order include the addition of a ch. NR 445 compound previously omitted by oversight, propylene glycol monomethyl ether, to Table 2 of ch. NR 407 and Table 1 of ch. NR 438; the updating of test methods previously incorporated by reference to cite the latest version; the repeal of certain obsolete provisions calling for actions which were completed more than 2 years ago; the creation of definitions of certain undefined terms used in the rules to give the meanings normally being applied; and the renumbering of ch. NR 400 definitions to improve readability. Other minor changes include formatting, style, grammar and cross reference corrections.

SECTION 1. NR 400 (intro.) Note is amended to read:

Note: Chapter 285, Stats., directs the department of natural resources to organize a comprehensive program to enhance the quality, management and protection of the state's air resources. Chapters NR 400 to 499 are the central part of that program. Chapter 285, Stats., also addresses the role of county government in establishing local air pollution control programs in cooperation with the department.

The objectives of these rules are to maintain standards of air quality at a level which will provide adequate protection to public health and welfare, and prevent detrimental effects on property and our environment.

Nothing in chs. NR 400 to 499 or in ch. 285, Stats., prohibits a county or local jurisdiction from adopting more restrictive ordinances where local conditions indicate their need. Chapters NR 400 to 499, all or in part, may be adopted by reference by a county or municipality.

It is the department's policy to seek reasonable uniformity among local air pollution control ordinances in order to make the statewide comprehensive program more effective and less complicated for all persons concerned.

Chapters NR 400 to 499 are subject to periodic revision to reflect changing state and federal mandates, advancing control technology, increasing knowledge of the effect on human health of sub-acute long term exposure to air pollutants, and increased knowledge of the effect of pollutants on plant life, animal life, soils and water resources.

SECTION 2. NR 400.02(1a) to (99), (100)(intro.) and (a) to (x) and (101) are renumbered 400.02(2) to (99) and (101) to (161), (162)(intro.) and (a) to (w) and (z) and (163) respectively, and 400.02(35), (40), (55), (70), (79), (126), (128), (130), (135) and (143), as renumbered, are amended to read:

NR 400.02(35) "Bucket elevator" means a conveying device ~~of~~ for grain, minerals or other materials consisting of a head and foot assembly which supports and drives an endless single or double strand chain or belt to which buckets are attached.

(40) "Coal" means all solid fuels classified as anthracite, bituminous, ~~subituminous~~ subbituminous or lignite by ASTM designation ~~D388-92~~ D388-97, incorporated by reference in s. NR 484.10.

(55) "Direct source" means any stationary source which may directly result in the emission of any air contaminant at a fixed location ~~(e.g., building demolition, foundry, grain elevator, gravel or stone quarry, paper mill, power plant, etc.)~~.

(70) "Fuel oil" means any petroleum-based fuel, including diesel fuel or petroleum derivatives such as oil tar, as defined in ASTM ~~D396-92~~ D396-97, incorporated by reference in s. NR 484.10, and any recycled or blended petroleum products or petroleum by-products used as a fuel whether in a liquid, solid or gaseous state.

(79) "Heat input" means the total gross calorific value per unit of time of all fuels being burned, where gross calorific value of a fuel is measured by ASTM Method D240-92, D1826-94 or ~~D2015-94~~ D2015-96, incorporated by reference in s. NR 484.10. Where the test method gives a higher and a lower heating value, heat input is calculated in Btu per hour using the higher heating value of the fuel.

(126) "Portable source" means any facility, installation, operation or equipment which may directly result in the emission of any air contaminant only while at a fixed location but is capable of being transported to a different location ~~(e.g., portable asphalt plant, portable package boiler, portable air curtain destructor, etc.)~~. ~~As~~ A portable source is a type of direct stationary source~~, a modified portable source or a portable source which has never received a plan approval or air pollution control permit is subject to the requirements of chs. NR 406, 407 and 408~~.

(128) "Process line" means one or more actions or unit operations which must function simultaneously or in sequence in order to manufacture or modify a product ~~(e.g., a spray booth, conveyor and drying oven are considered a process line)~~.

(130) "Reconstruction" means the removal of components of a stationary source and the substitution of those components with similar new components to such an extent that the fixed capital cost of the new components exceeds 50% of the fixed capital cost that would be required to construct a comparable entirely new stationary source. The term "reconstruction" does not apply to minor or indirect sources.

(135) "Residual fuel oil" means an industrial fuel oil of grade No. 4, 5 or 6, as determined by the specifications in ASTM ~~D396-92~~ D396-97, incorporated by reference in s. NR 484.10.

(143) "Semistationary source" means any facility, operation or equipment that has the capability of emitting any air contaminant while moving, but generally does not emit while moving ~~(e.g., diesel cranes, air compressors, and electric generators such as those used at construction sites, etc.)~~.

SECTION 3. NR 400.02(55) Note, (74), (78), (87) and Note, (126) Note, (128) Note, (143) Note and (162)(x), (xa), (xb), (xc), (xd), (xe), (xf), (xg), (xh), (xi), (xj), (xk), (xL), (xm), (xn), (xo), (xp), (xq), (xr) and (y) are created to read:

NR 400.02(55) Note: Examples are a foundry, a grain elevator, a gravel or stone quarry, a paper mill, a power plant or the demolition of a building.

(74) "Graphic arts" means any printing operations described by 2-digit major group 27 in the Standard Industrial Classification Manual, 1987, incorporated by reference in s. NR 484.05.

(78) "Hazardous air pollutants listed under section 112(b) of the act" means the federally regulated air pollutants included in the list in section 112(b)(1) of the act (42 USC 7412(b)(1)) as revised by 40 CFR part 63 Subpart C.

(87) "Infectious waste" has the meaning given in s. 287.07(7)(c)1.c., Stats.

Note: For more detailed information on what the department treats as infectious waste, see subch. II of ch. NR 526.

(126) Note: Examples are a portable asphalt plant, a portable package boiler or a portable air curtain destructor.

(128) Note: For example, a spray booth, conveyor and drying oven are considered a process line.

(143) Note: Examples are diesel cranes, air compressors and electric generators such as those used at construction sites.

(162)(x) 3,3-Dichloro-1,1,1,2,2-pentafluoropropane (HCFC-225ca).

(xa) 1,3-Dichloro-1,1,2,2,3-pentafluoropropane (HCFC-225cb).

(xb) 1,1,1,2,3,4,4,5,5,5-Decafluoropentane (HFC 43-10mee).

(xc) Difluoromethane (HFC-32).

(xd) Ethylfluoride (HFC-161).

(xe) 1,1,1,3,3,3-Hexafluoropropane (HFC-236fa).

(xf) 1,1,2,2,3-Pentafluoropropane (HFC-245ca).

(xg) 1,1,2,3,3-Pentafluoropropane (HFC-245ea).

(xh) 1,1,1,2,3-Pentafluoropropane (HFC-245eb).

(xi) 1,1,1,3,3-Pentafluoropropane (HFC-245fa).

(xj) 1,1,1,2,3,3-Hexafluoropropane (HFC-236ea).

(xk) 1,1,1,3,3-Pentafluorobutane (HFC-365mfc).

(xL) Chlorofluoromethane (HCFC-31).

(xm) 1-Chloro-1-fluoroethane (HCFC-151a).

(xn) 1,2-Dichloro-1,1,2-trifluoroethane (HCFC-123a).

(xo) 1,1,1,2,2,3,3,4,4-Nonafluoro-4-methoxybutane ($C_4F_9OCH_3$).

(xp) 2-(Difluoromethoxymethyl)-1,1,1,2,3,3,3-heptafluoropropane ($(CF_3)_2CFCF_2OCH_3$).

(xq) 1-Ethoxy-1,1,2,2,3,3,4,4,4-nonafluorobutane ($C_4F_9OC_2H_5$).

(xr) 2-(Ethoxydifluoromethyl)-1,1,1,2,3,3,3-heptafluoropropane ($(CF_3)_2CFCF_2OC_2H_5$).

(y) Methyl acetate.

SECTION 4. NR 400.03(2)(ns) and (rg) and (4)(dg) and (ks) are created to read:

NR 400.03(2)(ns) MPH - miles per hour

(rg) tpy - tons per year

(4)(dg) CERCLA - federal comprehensive environmental response, compensation, and liability act

(ks) PSD - prevention of significant deterioration

SECTION 5. NR 401.025(3) is created to read:

NR 401.025(3) RECLASSIFICATION AS ATTAINMENT. The department may issue a document to reclassify a nonattainment area to an attainment area when it has determined that the ambient air quality standard is being met in the area for the air contaminant which caused a document to be issued under sub. (1) identifying the area as nonattainment.

SECTION 6. NR 401.05 is amended to read:

NR 401.05 ISSUANCE AND REVISION OF DOCUMENTS. The department may issue or revise a document under s. NR 401.025(1) ~~or~~, (2) or (3) only after 30 days notice and public hearing in the ~~region~~ area affected. ~~Such~~ The hearings will not be contested cases under s. 227.01(3), Stats.

SECTION 7. NR 404.02(intro.) is amended to read:

NR 404.02 DEFINITIONS. (intro.) ~~In addition to the definitions in this section, the~~ The definitions contained in ch. NR 400 apply to the terms used in this chapter. In addition, the following definitions apply to the terms used in this chapter:

SECTION 8. NR 405.02(21)(b)(intro.) and 5. and (22)(c) are amended to read:

NR 405.02(21)(b)(intro.) A physical change or change in the method of operation ~~may~~ does not include:

5. Use of an alternative fuel or raw material by a stationary source ~~which~~ when one of the following applies:

a. The source was capable of accommodating the alternative fuel or raw material before January 6, 1975, unless ~~such~~ the change would be prohibited under any federally enforceable permit condition which was

established after January 6, 1975 pursuant to this chapter or ch. NR 406, 408 or under an operation permit issued pursuant to ch. NR 407.

b. The source is approved to use the alternative fuel or raw material under any permit issued under this chapter or ch. NR 406, 407 or 408.

(22)(c) Volatile organic compounds exclude the compounds listed under s. NR 400.02~~(100)~~ (162) unless the compound is subject to an emission limitation under ch. NR 440 or chs. NR 446 to 449.

SECTION 9. NR 405.07(8)(a)9. is amended to read:

NR 405.07(8)(a)9. Fluorides - 0.25 ~~g~~ µg/m^3, 24-hour average.

SECTION 10. NR 406.04(intro.) is created to read:

NR 406.04 DIRECT SOURCES EXEMPT FROM CONSTRUCTION PERMIT REQUIREMENTS. (intro.) This section does not provide an exemption from construction permit requirements for a source that is required to obtain a permit under ch. NR 405 or 408. For any direct source not required to obtain a permit under ch. NR 405 or 408, no construction permit is required prior to commencing construction, reconstruction, replacement, relocation or modification if the following conditions are met:

SECTION 11. NR 406.04(1)(intro.), (a)(intro.), 2. and 5., (g) and (h) are amended to read:

NR 406.04(1) SPECIFIC CATEGORIES OF EXEMPT SOURCES. (intro.) The following categories of direct sources are exempt from the requirement to obtain a construction permit unless construction, reconstruction, replacement, relocation or modification of the source is prohibited by any permit, plan approval or special order applicable to the source ~~or the source is required to obtain a permit under ch. NR 408 because of a significant net increase in the emissions of an air contaminant for which the area is designated nonattainment~~:

(a)(intro.) ~~An~~ One or more external combustion ~~furnace~~ furnaces at a source which will not burn any hazardous waste identified under ch. NR 605, or which ~~has~~ have been issued a license or licenses under ch. NR 680, and ~~which~~ if no individual furnace is designed to burn the following fuels at more than the maximum rates indicated:

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

5. Gaseous fossil fuel at a heat input rate of not more than 25 million Btu per hour.

(g) Painting or coating operations, including associated cleaning operations, which emit or will emit not more than 1666 pounds of volatile organic compounds per month, which are measured prior to entering any emission control devices, unless the emissions of any single hazardous air pollutant ~~as~~ listed under section

112(b) of the act (42 USC 7412(b)) equal or exceed 10 tons per year or the cumulative emissions of hazardous air pollutants listed under section 112(b) of the act equal or exceed 25 tons per year.

(h) Graphic arts operations, including associated cleaning operations, which emit or will emit not more than 1666 pounds of volatile organic compounds per month, which are measured prior to entering any emission control devices, unless the emissions of any single hazardous air pollutant ~~as~~ listed under section 112(b) of the act equal or exceed 10 tons per year or the cumulative emissions of hazardous air pollutants listed under section 112(b) of the act equal or exceed 25 tons per year.

SECTION 12. NR 406.04(1)(i)1.(intro.) and a. to c. are renumbered 406.04(1)(i)(intro.) and 1. to 3.

SECTION 13. NR 406.04(1)(i)2. is renumbered 406.04(1)(i)4. and amended to read:

NR 406.04(1)(i)4. The department approves the application for exemption submitted under subd. 1. The department shall approve or deny the application in writing within 45 days of receiving a complete application ~~for exemption under this paragraph~~. The department may provide public notice of an application for research and testing exemption, may provide an opportunity for public comment and an opportunity to request a public hearing and may hold a public hearing on any application under this paragraph. The department shall make all nonconfidential information available to the public upon request.

SECTION 14. NR 406.04(1)(j) is amended to read:

NR 406.04(1)(j) A laboratory which emits volatile 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~~ listed under section 112(b) of the act equal or exceed 10 tons per year or the cumulative emissions of hazardous air pollutants listed under section 112(b) of the act 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 occurred 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.

SECTION 15. NR 406.04(2)(e) and (h) are repealed.

SECTION 16. NR 406.04(2)(i) is renumbered 406.04(2)(h) and amended to read:

NR 406.04(2)(h) The source is not subject to any standard or regulation under section 111 or 112 of the act (42 USC 7411 or 7412). If a source is subject to regulations or requirements under section 112 only because of section 112(r) of the act (42 USC 7412(r)), the source is not for that reason required to obtain a

construction permit under this paragraph.

SECTION 17. NR 406.04(4)(intro.) is repealed and recreated to read:

NR 406.04(4) EXCLUSIONS FROM MODIFICATION. (intro.) None of the following changes at a stationary source constitutes a modification:

SECTION 18. NR 406.04(4)(h) is created to read:

NR 406.04(4)(h) *Other changes.* A change where all of the following conditions are met:

1. The change is not prohibited by any permit, plan approval or special order applicable to the source.

2. The change is exempt under sub. (1), or the increased emissions due to the change do not exceed the maximum theoretical emission levels specified in sub. (2)(b), (c), (cm), (d) and (f).

3. The change does not trigger a requirement under section 111 or 112 of the act (42 USC 7411 or 7412).

SECTION 19. NR 407.02(4)(a) is amended to read:

NR 407.02(4)(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 single hazardous air pollutant ~~which has been~~ listed ~~pursuant to~~ under 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.

SECTION 20. NR 407.03(1)(g), (h) and (o), (2)(intro.), (e) and (g) are amended to read:

NR 407.03(1)(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 volatile organic compounds per month, which are measured prior to entering any emission control devices, unless the emissions of any single hazardous air pollutant ~~as~~ listed under section 112(b) of the act (42 USC 7412(b)) equal or exceed 10 tons per year or the cumulative emissions of hazardous air pollutants listed under section 112(b) of the act equal or exceed 25 tons per year.

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

pollutant ~~as~~ listed under section 112(b) of the act equal or exceed 10 tons per year or the cumulative emissions of hazardous air pollutants listed under section 112(b) of the act equal or exceed 25 tons per year.

(o) A laboratory which emits volatile 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~~ listed under 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 listed under section 112(b) of the act 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 occurred 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.

(2) GENERAL CATEGORY OF EXEMPT SOURCES. (intro.) 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 all of the following requirements are met:

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

(g) The source is not subject to any standard or regulation under section 112 of the act (42 USC 7412). If a source is subject to regulations or requirements under section 112 only because of section 112(r) of the act (42 USC 7412(r)), the source is not for that reason required to obtain an operation permit under this paragraph.

SECTION 21. NR 407.04 (title) is amended to read:

NR 407.04 (title) PERMIT APPLICATION REQUIREMENTS.

SECTION 22. NR 407.04(intro.) is created to read:

NR 407.04(intro.) The owner or operator of an air contaminant source which is not exempt under s. 285.60(5), Stats., or s. NR 407.03 shall submit an operation permit application or renewal application, in accordance with s. NR 407.05, by the dates specified in this section:

SECTION 23. NR 407.04(1)(intro.) and (b)3. are amended to read:

NR 407.04(1)(intro.) INITIAL FILING DATES. ~~The owner or operator of an air contaminant source which is not exempt under s. 285.60(5), Stats., or s. NR 407.03 shall submit an operation permit application on application forms available from the department by the following dates, except~~ Except as provided under subs. (3) to (6), the initial operation permit application shall be submitted by one of the following dates:

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

SECTION 24. NR 407.05(4)(c)9.a. is amended to read:

NR 407.05(4)(c)9.a. Any emissions unit, operation or activity that has, for each air contaminant, maximum theoretical emissions which are less than the ~~levels~~ level specified in Table 2. Multiple emissions units, operations and activities that perform identical or similar functions shall be combined in determining the applicability of the exemption under this ~~subd. 9. a~~ subparagraph.

SECTION 25. NR 407.05 Table 2 is amended to read:

NR 407.05 **Table 2**

Levels Of Air Contaminants For Determining Need For Inclusion In Permit Applications

Air Contaminant Name	Sources of Regulation (See Footnotes Below)	Chemical Abstract Service Number[7]	Inclusion Level (lbs/yr)
Acetaldehyde	2, 3	75-07-0	2,000
Acetamide	2	60-35-5	2,000.0
Acetic acid	3	64-19-7	1,825
Acetic anhydride	3	108-24-7	887
Acetonitrile	2, 3	75-05-8	2,000.0
Acetophenone	2	98-86-2	2,000.0
2-Acetylaminofluorene	2	53-96-3	2,000.0
Acrolein	2, 3	107-02-8	18.3
Acrylamide	2, 3	79-06-1	21.0
Acrylic acid	2, 3	79-10-7	2,000.0
Acrylonitrile	2, 3	107-13-1	2.5
Adriamycin	3	23214-92-8	Group B Pharmaceutical
Aflatoxins	3	1402-68-2	2.5
Aldrin	3, 6	309-00-2	18.3
Allyl alcohol	3	107-18-6	365.8
Allyl chloride	2, 3	107-05-1	218.6
Aluminum alkyls	3	7429-90-5*	145.1

Air Contaminant Name	Sources of Regulation (See Footnotes Below)	Chemical Abstract Service Number[7]	Inclusion Level (lbs/yr)
Aluminum pyro powders	3	7429-90-5*	365.8
Aluminum soluble salts	3	7429-90-5*	145.1
2-Aminoanthraquinone	3	117-79-3	25.0
4-Aminobiphenyl	2, 3	92-67-1	2.5
Amitrole	3, 6	61-82-5	14.5
Ammonia	3	7664-41-7	1,314
Aniline	2, 3	62-53-3	729.5
Anisidine	2, 3	29191-52-4	25
o-Anisidine and o-anisidine hydrochloride	2, 3	90-04-0*	25.0
Antimony & compounds, as Sb	2, 3	7440-36-0*	35.7
ANTU	3, 6	86-88-4	21.0
Arsenic and inorganic compounds, as As	2, 3	7440-38-2*	2.5
Arsine	2, 3	7784-42-1	14.5
Asbestos, all forms	2, 3	1332-21-4*	2.5
Atrazine	3, 6	1912-24-9	365.8
Azathioprine	3	446-86-6	Group A Pharmaceutical
Azinphos-methyl	3, 6	86-50-0	14.5
Barium, soluble compounds, as Ba	3	7440-39-3*	35.7
Benomyl	3, 6	17804-35-2	729.5
Benz(a)anthracene	3	56-55-3	Polycyclic Organic Matter
Benzene	2, 3	71-43-2	30.0
Benzidine	2, 3	92-87-5	0.2
Benzo(b)fluoranthene	2, 3	205-99-2	Polycyclic Organic Matter
Benzo(a)pyrene	3	50-32-8	Polycyclic Organic Matter
Benzotrichloride	2, 3	98-07-7	25.0
Benzoyl peroxide	3	94-36-0	365.8
Benzyl chloride	2, 3	100-44-7	365.8
Beryllium and beryllium compounds, as Be	2, 3	7440-41-7*	2.5
Biphenyl	2, 3	92-52-4	109.3
N,N-Bis (2-chloroethyl)-2-naphthylamine (Chloronaphazine)	3	494-03-1	Group A Pharmaceutical
Bischloroethyl nitrosourea	3	154-93-8	Group B Pharmaceutical
Bis(chloromethyl) ether (BCME) and technical grade	2, 3	542-88-1	0.01
Borates, tetra, sodium salts, decahydrate	3	1303-96-4*	365.8
Borates, tetra, sodium salts, pentahydrate	3	1303-96-4*	73.6
Boron tribromide	3	10294-33-4	444
Boron trifluoride	3	7637-07-2	132.5
Bromacil	3, 6	314-40-9	729.5

Air Contaminant Name	Sources of Regulation (See Footnotes Below)	Chemical Abstract Service Number[7]	Inclusion Level (lbs/yr)
Bromine	3	7726-95-6	50.5
Bromine pentafluoride	3	7789-30-2	50.5
Bromoform	2	75-25-2	2,000.0
1,3-Butadiene	2, 3	106-99-0	2,000.0
1,4-Butanediol dimethanesulphonate (Myleran)	3	55-98-1	Group A Pharmaceutical
2-Butoxyethanol (EGBE)	3	111-76-2	2,000.0
n-Butyl acrylate	3	141-32-2	2,000.0
n-Butyl alcohol	3	71-36-3	2,000.0
n-Butylamine	3	109-73-9	666.46
tert-Butyl chromate, as Cr	2, 3	1189-85-1	0.01
n-Butyl glycidyl ether (BGE)	3	2426-08-6	2,000.0
n-Butyl lactate	3	138-22-7	1,824.9
o-sec-Butylphenol	3	89-72-5	2,000.0
p-tert-Butyltoluene	3	98-51-1	2,000.0
Cadmium and cadmium compounds, as Cd	2, 3	7440-43-9*	2.5
Calcium cyanamide	2, 3	156-62-7	35.7
Calcium hydroxide	3	1305-62-0	365.8
Calcium oxide	3	1305-78-8	145.1
Camphor (synthetic)	3	76-22-2	874.6
Caprolactam vapor	3	105-60-2	1,459.1
Captafol	3, 6	2425-06-1	7.4
Captan	2, 3, 6	133-06-2	365.8
Carbaryl	2, 3, 6	63-25-2	365.8
Carbofuran	3, 6	1563-66-2	7.4
Carbon black	3	1333-86-4	254.4
Carbon disulfide	2, 3	75-15-0	2,000.0
Carbon monoxide	1	630-08-0	2,000.0
Carbon tetrabromide	3	558-13-4	103.0
Carbon tetrachloride	2, 3, 5	56-23-5	2.5
Carbonyl fluoride	3	353-50-4	365.8
Carbonyl sulfide	2	463-58-1	2,000.0
Catechol (Pyrocatechol)	2, 3	120-80-9	1,459
Cesium hydroxide	3	21351-79-1	145
Chloramben	2	133-90-4	2,000.0
Chlorambucil	3	305-03-3	Group A Pharmaceutical
Chlordane	2, 3, 6	57-74-9	35.7
Chlorinated camphene (Toxaphene)	2, 3, 6	8001-35-2	35.7

Air Contaminant Name	Sources of Regulation (See Footnotes Below)	Chemical Abstract Service Number[7]	Inclusion Level (lbs/yr)
Chlorinated dioxins and furans (total equivalents)	4	*	0.00001
Chlorinated diphenyl oxide	3	55720-99-5	35.7
Chlorine	2, 3	7782-50-5	218.6
Chlorine dioxide	3	10049-04-4	21.0
Chlorine trifluoride	3	7790-91-2	17.7
Chloroacetic acid	2	79-11-8	2,000.0
2-Chloroacetophenone	2	532-27-4	2,000.0
Chlorobenzene (Monochlorobenzene)	2, 3	108-90-7	2,000.0
Chlorobenzilate	2	510-15-6	2,000.0
1-(2-Chloroethyl)-3-cyclohexyl-1-nitrosourea (CCNU)	3	13010-47-4	Group B Pharmaceutical
Chlorofluorocarbon-11 (CFC-11, R-11, Trichlorofluoromethane)	5	75-69-4	2,000.0
Chlorofluorocarbon-12 (CFC-12, R-12, Dichlorodifluoromethane)	5	75-71-8	2,000.0
Chlorofluorocarbon-13 (CFC-13, R-13, Chlorotrifluoromethane)	5	75-72-9	2,000.0
Chlorofluorocarbon-111 (CFC-111)	5	954-56-3	2,000.0
Chlorofluorocarbon-112 (CFC-112)	5	76-12-0	2,000.0
Chlorofluorocarbon-113 (CFC-113, R-113, Trichlorotrifluoroethane)	5	76-13-1	2,000.0
Chlorofluorocarbon-114 (CFC-114, R-114, Dichlorotetrafluoroethane)	5	76-14-2	2,000.0
Chlorofluorocarbon-115 (CFC-115, R-115, Monochloropentafluoroethane)	5	76-15-3	2,000.0
Chlorofluorocarbon-211 (CFC-211, R-211)	5	422-78-6	2,000.0
Chlorofluorocarbon-212 (CFC-212, R-212)	5	3182-26-1	2,000.0
Chlorofluorocarbon-213 (CFC-213, R-213)	5	2354-06-5	2,000.0
Chlorofluorocarbon-214 (CFC-214, R-214)	5	29255-31-0	2,000.0
Chlorofluorocarbon-215 (CFC-215, R-215)	5	4259-43-2	2,000.0
Chlorofluorocarbon-216 (CFC-216, R-216)	5	661-97-2	2,000.0
Chlorofluorocarbon-217 (CFC-217, R-217)	5	422-86-6	2,000.0
Chloroform	2, 3	67-66-3	25.0
Chloromethyl methyl ether (CMME)	2, 3	107-30-2	0.01
1-Chloro-1-nitropropane	3, 6	600-25-9	729.5
Chloropicrin (Trichloronitromethane)	3, 6	76-06-2	50.5
β-Chloroprene	2, 3	126-99-8	2,000.0
o-Chlorostyrene	3	2039-87-4	2,000.0
o-Chlorotoluene	3	95-49-8	2,000.0
Chlorpyrifos	3, 6	2921-88-2	14.5
Chromium (II) compounds, as Cr	2, 3	7440-47-3*	35.7

Air Contaminant Name	Sources of Regulation (See Footnotes Below)	Chemical Abstract Service Number[7]	Inclusion Level (lbs/yr)
Chromium (III) compounds, as Cr	2, 3	7440-47-3*	35.7
Chromium (VI) compounds, as Cr, water soluble	2, 3	7440-47-3*	3.6
Chromium (VI) compounds, as Cr, water insoluble	2, 3	7440-47-3*	0.2
Chromium (metal)	2, 3	7440-47-3	35.7
Chromyl chloride, as Cr	2, 3	14977-61-8	0.01
Cobalt, as Co, metal, dust	2, 3	7440-48-4	3.6
Coke oven emissions	2, 3	*	2.5
Copper, dust & mists, as Cu	3	7440-50-8	73.6
p-Cresidine	3	120-71-8	25.0
Cresol, all isomers	2, 3	1319-77-3	1,604
m-Cresol	2	108-39-4	2,000.0
o-Cresol	2	95-48-7	2,000.0
p-Cresol	2	106-44-5	2,000.0
Crotonaldehyde	3	123-73-9*	588.7
Crufomate	3, 6	299-86-5	365.8
Cumene	2, 3	98-82-8	2,000.0
Cyanamide	3	420-04-2	145.1
Cyanides, (inorganics), as CN	2, 3	143-33-9*	365.8
Cyanogen	3	460-19-5	1,459.1
Cyanogen chloride	3	506-77-4	27.3
Cyclohexanol	3	108-93-0	2,000.0
Cyclohexanone	3	108-94-1	2,000.0
Cyclohexylamine	3	108-91-8	2,000.0
Cyclopentadiene	3	542-92-7	2,000.0
Cyclophosphamide	3	50-18-0	Group A Pharmaceutical
Cyhexatin	3, 6	13121-70-5	365.8
2,4-D, salts and esters	2	94-75-7	2,000.0
DDE	2	72-55-9	2,000.0
Dacarbazine	3	4342-03-4	Group B Pharmaceutical
Demeton	3, 6	8065-48-3	7.4
Diacetone alcohol	3	123-42-2	2,000.0
2,4-Diaminoanisole sulfate	3	39156-41-7	25.0
2,4-Diaminotoluene	2, 3	95-80-7*	25.0
Diazinon	3, 6	333-41-5	7.4
Diazomethane	2, 3	334-88-3	29.4
Dibenz(a,h)acridine	2, 3	226-36-8	Polycyclic Organic Matter
Dibenz(a,j)acridine	2, 3	224-42-0	Polycyclic Organic Matter

Air Contaminant Name	Sources of Regulation (See Footnotes Below)	Chemical Abstract Service Number[7]	Inclusion Level (lbs/yr)
Dibenz(a,h)anthracene	2, 3	53-70-3	Polycyclic Organic Matter
7H-Dibenzo(c,g)carbazole	2, 3	194-59-2	Polycyclic Organic Matter
Dibenzofurans	2	132-64-9	2,000.0
Dibenzo(a,h)pyrene	2, 3	189-64-0	Polycyclic Organic Matter
Dibenzo(a,i)pyrene	2, 3	189-55-9	Polycyclic Organic Matter
Diborane	3	19287-45-7	7.4
1,2-Dibromo-3-chloropropane (DBCP)	2, 3	96-12-8	25.0
1,2-Dibromoethane (EDB)	2, 3	106-93-4	25.0
2-N-Dibutylaminoethanol	3	102-81-8	1,022
Dibutyl phthalate	2, 3, 6	84-74-2	365.8
o-Dichlorobenzene	3	95-50-1	2,000.0
p-Dichlorobenzene	2, 3	106-46-7	2,000
3,3'-Dichlorobenzidine	2, 3	91-94-1	25.0
1,3-Dichloro-5,5-dimethyl hydantoin	3	118-52-5	14.5
1,1-Dichloroethane	2, 3	75-34-3	2,000.0
1,2-Dichloroethane (EDC)	2, 3	107-06-2	2.5
1,2-Dichloroethylene	3	540-59-0	2,000.0
Dichloroethyl ether	2, 3	111-44-4	2,000.0
1,1-Dichloro-1-nitroethane	3	594-72-9	729.5
~~Dichloropropene~~ 1,3-Dichloropropene	2, 3, 6	542-75-6	365.8
2,2-Dichloropropionic acid	3, 6	75-99-0	437.3
Dichlorvos	2, 3, 6	62-73-7	73.6
Dicrotophos	3, 6	141-66-2	18.3
Dicyclopentadiene	3	77-73-6	2,000.0
Dieldrin	3, 6	60-57-1	18.3
Diethanolamine	2, 3	111-42-2	1,095
Diethylamine	3	109-89-7	2,000.0
2-Diethylaminoethanol	3	100-37-8	2,000.0
Diethylene triamine	3	111-40-0	292.2
Di(2-ethylhexyl) phthalate (DEHP)	2, 3	117-81-7	25.0
Diethyl phthalate	3	84-66-2	365.8
Diethyl sulfate	2, 3	64-67-5	2.5
Diethylstilbestrol (DES)	3	56-53-1	Group A Pharmaceutical
Diglycidyl ether (DGE)	3	2238-07-5	35.7
Diisobutyl ketone	3	108-83-8	2,000.0
Diisopropylamine	3	108-18-9	1,459
3,3'-Dimethoxybenzidine (o-Dianisidine)	2, 3	119-90-4	25.0

Air Contaminant Name	Sources of Regulation (See Footnotes Below)	Chemical Abstract Service Number[7]	Inclusion Level (lbs/yr)
Dimethyl acetamide	3	127-19-5	2,000.0
Dimethylamine	3	124-40-3	1,314
4-Dimethylaminoazobenzene	2, 3	60-11-7	25.0
Dimethylaniline (N,N-Dimethylaniline)	2, 3	121-69-7	1,825
3,3'-Dimethylbenzidine (o-Tolidine)	2, 3	119-93-7	25.0
Dimethyl carbamoyl chloride	2, 3	79-44-7	25.0
N,N-Dimethylformamide	2, 3	68-12-2	2,000.0
1,1-Dimethylhydrazine	2, 3	57-14-7	25.0
Dimethylphthalate	2, 3	131-11-3	365.8
Dimethyl sulfate	2, 3	77-78-1	2.5
Dinitrobenzene, all isomers	3	528-29-0*	73.6
Dinitro-o-cresol	2, 3, 6	534-52-1	14.5
2,4-Dinitrophenol	2	51-28-5	2,000.0
Dinitrotoluene	2, 3	25321-14-6*	109.3
1,4-Dioxane	2, 3	123-91-1	25.0
Dioxathion	3, 6	78-34-2	14.5
Diquat	3, 6	85-00-7*	35.7
Disulfoton	3, 6	298-04-4	7.4
Divinyl benzene	3	1321-74-0*	2,000.0
Endosulfan	3, 6	115-29-7	7.4
Endrin	3, 6	72-20-8	7.4
Epichlorohydrin	2, 3	106-89-8	30.0
EPN	3, 6	2104-64-5	35.7
1,2-Epoxybutane (1,2-Butylene oxide)	2	106-88-7	2,000.0
Ethanolamine	3	141-43-5	584.5
Ethion	3, 6	563-12-2	29.4
2-Ethoxyethanol (EGEE)	3	110-80-5	655.9
2-Ethoxyethyl acetate (EGEEA)	3	111-15-9	1,969.9
Ethyl acrylate	2, 3	140-88-5	1,459.1
Ethylamine (Ethanamine)	3	75-04-7	1,314.0
Ethyl amyl ketone	3	541-85-5	2,000.0
Ethyl benzene	2, 3	100-41-4	2,000.0
Ethyl butyl ketone	3	106-35-4	2,000.0
Ethyl chloride (Chloroethane)	2, 3	75-00-3	2,000.0
Ethylene chlorohydrin	3	107-07-3	132.5
Ethylenediamine	3	107-15-3	1,824.9
Ethylene glycol vapor	2, 3	107-21-1	2,000.0

Air Contaminant Name	Sources of Regulation (See Footnotes Below)	Chemical Abstract Service Number[7]	Inclusion Level (lbs/yr)
Ethylene oxide	2, 3	75-21-8	2.5
Ethylene thiourea	2, 3	96-45-7	25.0
Ethylenimine (Aziridine)	2, 3	151-56-4	73.6
Ethylidene norbornene	3	16219-75-3	1,110.1
N-Ethylmorpholine	3	100-74-3	1,677.7
Ethyl silicate	3	78-10-4	2,000.0
Fensulfothion	3, 6	115-90-2	7.4
Fenthion	3, 6	55-38-9	14.5
Fine mineral fibers (includes mineral fiber emissions from facilities manufacturing or processing glass, rock or slag fibers, or other mineral derived fibers, of average diameter 1 micrometer or less)	2	*	2,000.0
Fluorides, (inorganics), as F	3	*	182.9
Fluorine	3	7782-41-4	145.1
Fonofos	3, 6	944-22-9	7.4
Formaldehyde	2, 3	50-00-0	25.0
Furfural	3	98-01-1	584.5
Furfuryl alcohol	3	98-00-0	2,000.0
Germanium tetrahydride	3	7782-65-2	44.2
Glycidol	3	556-52-5	2,000.0
Glycol ethers[8]	2	*	2,000.0
Group A Pharmaceuticals (a total of all air contaminants listed as Group A Pharmaceuticals)	3	*	2.5**
Group B Pharmaceuticals (a total of all air contaminants listed as Group B Pharmaceuticals)	3	*	25**
Halon-1211	5	353-59-3	2,000.0
Halon-1301	5	75-63-8	2,000.0
Halon-2402	5	124-73-2	2,000.0
Heptachlor	2, 3, 6	76-44-8	35.7
Hexachlorobenzene (HCB)	2, 3	118-74-1	2.5
Hexachlorobutadiene	2, 3, 6	87-68-3	9.2
Hexachlorocyclopentadiene	2, 3, 6	77-47-4	7.4
Hexachloroethane	2	67-72-1	2,000.0
Hexachloronaphthalene	3	1335-87-1	14.5
Hexamethylene-1,6-diisocyanate	2	822-06-0	2,000.0
Hexamethyl phosphoramide	2, 3	680-31-9	25.0
n-Hexane	2, 3	110-54-3	2,000.0
sec-Hexyl acetate	3	108-84-9	2,000.0
Hexylene glycol	3	107-41-5	2,000.0

Air Contaminant Name	Sources of Regulation (See Footnotes Below)	Chemical Abstract Service Number[7]	Inclusion Level (lbs/yr)
Hydrazine and hydrazine sulfate	2, 3	302-01-2*	25.0
Hydrazobenzene	2, 3	122-66-7	25.0
Hydrochlorofluorocarbon-21 (HCFC-21)	5	75-43-4	2,000.0
Hydrochlorofluorocarbon-22 (HCFC-22, R-22)	5	75-45-6	2,000.0
Hydrochlorofluorocarbon-31 (HCFC-31)	5	593-70-4	2,000.0
Hydrochlorofluorocarbon-121 (HCFC-121)	5	*	2,000.0
Hydrochlorofluorocarbon-122 (HCFC-122)	5	*	2,000.0
Hydrochlorofluorocarbon-123 (HCFC-123, R-123)	5	306-83-2*	2,000.0
Hydrochlorofluorocarbon-124 (HCFC-124, R-124)	5	63938-10-3*	2,000.0
Hydrochlorofluorocarbon-131 (HCFC-131)	5	*	2,000.0
Hydrochlorofluorocarbon-132b (HCFC-132b)	5	1649-08-7	2,000.0
Hydrochlorofluorocarbon-133a (HCFC-133a)	5	75-88-7	2,000.0
Hydrochlorofluorocarbon-141b (HCFC-141b, R-141b)	5	1717-00-6	2,000.0
Hydrochlorofluorocarbon-142b (HCFC-142b, R-142b)	5	75-68-3	2,000.0
Hydrochlorofluorocarbon-221 (HCFC-221)	5	*	2,000.0
Hydrochlorofluorocarbon-222 (HCFC-222)	5	*	2,000.0
Hydrochlorofluorocarbon-223 (HCFC-223)	5	*	2,000.0
Hydrochlorofluorocarbon-224 (HCFC-224)	5	*	2,000.0
Hydrochlorofluorocarbon-225ca (HCFC-225ca)	5	422-56-0	2,000.0
Hydrochlorofluorocarbon-225cb (HCFC-225cb)	5	507-55-1	2,000.0
Hydrochlorofluorocarbon-226 (HCFC-226)	5	*	2,000.0
Hydrochlorofluorocarbon-231 (HCFC-231)	5	*	2,000.0
Hydrochlorofluorocarbon-232 (HCFC-232)	5	*	2,000.0
Hydrochlorofluorocarbon-233 (HCFC-233)	5	*	2,000.0
Hydrochlorofluorocarbon-234 (HCFC-234)	5	*	2,000.0
Hydrochlorofluorocarbon-235 (HCFC-235)	5	*	2,000.0
Hydrochlorofluorocarbon-241 (HCFC-241)	5	*	2,000.0
Hydrochlorofluorocarbon-242 (HCFC-242)	5	*	2,000.0
Hydrochlorofluorocarbon-243 (HCFC-243)	5	*	2,000.0
Hydrochlorofluorocarbon-244 (HCFC-244)	5	*	2,000.0
Hydrochlorofluorocarbon-251 (HCFC-251)	5	*	2,000.0
Hydrochlorofluorocarbon-252 (HCFC-252)	5	*	2,000.0
Hydrochlorofluorocarbon-253 (HCFC-253)	5	*	2,000.0
Hydrochlorofluorocarbon-261 (HCFC-261)	5	*	2,000.0
Hydrochlorofluorocarbon-262 (HCFC-262)	5	*	2,000.0
Hydrochlorofluorocarbon-271 (HCFC-271)	5	*	2,000.0
Hydrogenated terphenyls	3	61788-32-7	365.8

Air Contaminant Name	Sources of Regulation (See Footnotes Below)	Chemical Abstract Service Number[7]	Inclusion Level (lbs/yr)
Hydrogen bromide	3	10035-10-6	443.6
Hydrogen chloride	2, 3, 4	7647-01-0	311.2
Hydrogen cyanide	2, 3	74-90-8	443.6
Hydrogen fluoride	2, 3	7664-39-3	111.4
Hydrogen peroxide	3	7722-84-1	109.3
Hydrogen sulfide	3	7783-06-4	1,021.8
Hydroquinone	2, 3	123-31-9	145.1
2-Hydroxypropyl acrylate	3	999-61-1	218.6
Indeno(1,2,3-cd)pyrene	2, 3	193-39-5	Polycyclic Organic Matter
Indium	3	7440-74-6	7.4
Iodine	3	7553-56-2	44.2
Iron dextran complex	3	9004-66-4	Group B Pharmaceutical
Iron salts, soluble, as Fe	3	*	73.6
Isobutyl alcohol	3	78-83-1	2,000.0
Isooctyl alcohol	3	26952-21-6	2,000.0
Isophorone	2, 3	78-59-1	1,110.1
Isophorone diisocyanate	3	4098-71-9	6.5
Isopropoxyethanol	3	109-59-1	2,000.0
Isopropylamine	3	75-31-0	874.6
N-Isopropylaniline	3	768-52-5	729.5
Isopropyl glycidyl ether	3	4016-14-2	2,000.0
Ketene	3	463-51-4	65.2
Lead compounds	2	7439-92-1*	2,000.0
Lindane and other hexachlorocyclohexane isomers	2, 3	58-89-9*	2.5
Maleic anhydride	2, 3	108-31-6	73.6
Manganese, as Mn, dust and compounds	2, 3	7439-96-5*	222.9
Melphalan	3	148-82-3	Group A Pharmaceutical
Mercury alkyl compounds, as Hg	2, 3	7439-97-6*	0.7
Mercury, all forms except alkyl, vapor, as Hg	2, 3	7439-97-6*	3.6
Mercury aryl & inorganic compounds, as Hg	2, 3	7439-97-6*	7.4
Mesityl oxide	3	141-79-7	2,000.0
Mestranol	3	72-33-3	Group B Pharmaceutical
Methacrylic acid	3	79-41-4	2,000.0
Methanol	2	67-56-1	2,000.0
Methomyl	3, 6	16752-77-5	182.9
Methoxychlor	2	72-43-5	2,000.0
2-Methoxyethanol (EGME)	3	109-86-4	1,166.8

Air Contaminant Name	Sources of Regulation (See Footnotes Below)	Chemical Abstract Service Number[7]	Inclusion Level (lbs/yr)
2-Methoxyethyl acetate (EGMEA)	3	110-49-6	1,751.3
4-Methoxyphenol	3	150-76-5	365.8
Methyl acrylate	3	96-33-3	2,000.0
Methylacrylonitrile	3	126-98-7	218.6
Methylamine	3	74-89-5	874.6
Methyl n-amyl ketone	3	110-43-0	2,000.0
N-Methyl aniline	3	100-61-8	145.1
Methyl bromide	2, 3, 6	74-83-9	1,459.1
Methyl n-butyl ketone	3	591-78-6	1,459.1
Methyl chloride	2, 3	74-87-3	2,000.0
Methyl chloroform (1,1,1-Trichloroethane)	2	71-55-6	2,000.0
Methyl 2-cyanoacrylate	3	137-05-3	584.5
Methylcyclohexanol	3	25639-42-3	2,000.0
o-Methylcyclohexanone	3	583-60-8	2,000.0
Methyl demeton	3, 6	8022-00-2	35.7
4,4'-Methylene bis(2-chloroaniline) (MOCA)	2, 3	101-14-4	25.0
Methylene bis(4-cyclohexylisocyanate)	3	5124-30-1	3.9
Methylene bisphenyl isocyanate (MDI)	2, 3	101-68-8	8.8
Methylene chloride	2, 3	75-09-2	2,000.0
4,4'-Methylenedianiline (and dihydrochloride)	2, 3	101-77-9*	25.0
Methyl ethyl ketone (2-Butanone) (MEK)	2	78-93-3	2,000.0
Methyl ethyl ketone peroxide	3	1338-23-4	67.3
Methyl formate	3	107-31-3	2,000.0
Methyl hydrazine	2, 3	60-34-4	67.3
Methyl iodide	2, 3	74-88-4	25.0
Methyl isoamyl ketone	3	110-12-3	2,000.0
Methyl isobutyl carbinol	3	108-11-2	2,000.0
Methyl isobutyl ketone (MIBK)	2, 3	108-10-1	2,000.0
Methyl isocyanate	2, 3	624-83-9	3.6
Methyl methacrylate	2, 3	80-62-6	2,000.0
Methyl parathion	3, 6	298-00-0	14.5
α-Methyl styrene	3	98-83-9	2,000.0
Methyl tert-butyl ether (MTBE)	2, 3	1634-04-4	2,000.0
Mevinphos (Phosdrin)	3, 6	7786-34-7	7.4
Molybdenum, as Mo, soluble compounds	3	7439-98-7*	365.8
Monocrotophos	3, 6	6923-22-4	18.3
Morpholine	3	110-91-8	2,000.0

Air Contaminant Name	Sources of Regulation (See Footnotes Below)	Chemical Abstract Service Number[7]	Inclusion Level (lbs/yr)
Mustard gas	3	505-60-2	Group A Pharmaceutical
Naled	3, 6	300-76-5	218.6
Naphthalene	2, 3	91-20-3	2,000.0
2-Naphthylamine	3	91-59-8	2.5
Nickel compounds other than nickel subsulfide, as Ni	2, 3	7440-02-0*	25.0
Nickel subsulfide	2, 3	12035-72-2	2.5
Nitric acid	3	7697-37-2	365.8
p-Nitroaniline	3	100-01-6	218.6
Nitrobenzene	2, 3	98-95-3	365.8
4-Nitrobiphenyl	2	92-93-3	2,000.0
p-Nitrochlorobenzene	3	100-00-5	46.6
Nitroethane	3	79-24-3	2,000.0
Nitrogen mustards (2,2'-Dichloro-N-methyldiethylamine)	3	51-75-2	Group B Pharmaceutical
Nitrogen oxides	1, 4	*	2,000.0
Nitromethane	3	75-52-5	2,000.0
4-Nitrophenol	2	100-02-7	2,000.0
2-Nitropropane	2, 3	79-46-9	25.0
Nitrosoamines (a total of all air contaminants listed as Nitrosoamines)	3	*	25**
N-Nitrosodi-n-butylamine	3	924-16-3	Nitrosoamine
N-Nitrosodiethanolamine	3	1116-54-7	Nitrosoamine
N-Nitrosodiethylamine	3	55-18-5	Nitrosoamine
N-Nitrosodimethylamine	2, 3	62-75-9	Nitrosoamine
p-Nitrosodiphenylamine	3	156-10-5	Nitrosoamine
N-Nitrosodi-n-propylamine	3	621-64-7	Nitrosoamine
N-Nitroso-N-ethylurea	3	759-73-9	Nitrosoamine
N-Nitroso-N-methylurea	2, 3	684-93-5	Nitrosoamine
N-Nitrosomethylvinylamine	3	4549-40-0	Nitrosoamine
N-Nitrosomorpholine	2, 3	59-89-2	Nitrosoamine
N'-Nitrosonornicotine	3	16543-55-8	Nitrosoamine
N-Nitrosopiperidine	3	100-75-4	Nitrosoamine
N-Nitrosopyrrolidine	3	930-55-2	Nitrosoamine
N-Nitrososarcosine	3	13256-22-9	Nitrosoamine
Nitrotoluene, all isomers	3	99-08-1*	803.1
Octachloronaphthalene	3	2234-13-1	7.4
Oestradiol	3	50-28-2	Group B Pharmaceutical
Oxalic acid	3	144-62-7	73.6

Air Contaminant Name	Sources of Regulation (See Footnotes Below)	Chemical Abstract Service Number[7]	Inclusion Level (lbs/yr)
Oxymetholone	3	434-07-1	Group B Pharmaceutical
Paraquat (respirable sizes)	3, 6	1910-42-5*	7.4
Parathion	2, 3, 6	56-38-2	7.4
Particulate matter	4	*	2,000.0
PM_{10}	1, 4	*	2,000.0
Pentachloronaphthalene	3	1321-64-8	35.7
Pentachloronitrobenzene (Quintobenzene) (PCNB)	2	82-68-8	2,000.0
Pentachlorophenol (PCP)	2, 3	87-86-5	35.7
Perchloroethylene (Tetrachloroethylene)	2, 3	127-18-4	2,000.0
Perchloromethyl mercaptan	3	594-42-3	58.9
Phenazopyridine and phenazopyridine hydrochloride	3	136-40-3*	Group B Pharmaceutical
Phenol	2, 3	108-95-2	1,385
Phenothiazine	3, 6	92-84-2	365.8
p-Phenylenediamine	2, 3	106-50-3	7.4
Phenyl ether vapor	3	101-84-8	510.9
Phenyl glycidyl ether (PGE)	3	122-60-1	437.3
Phenylhydrazine	3	100-63-0	766.1
Phenyl mercaptan	3	108-98-5	145.1
Phenytoin and sodium salt of phenytoin	3	57-41-0*	Group B Pharmaceutical
Phorate	3, 6	298-02-2	3.6
Phosgene	2, 3	75-44-5	29.4
Phosphine	2, 3	7803-51-2	29.4
Phosphoric acid	3	7664-38-2	73.6
Phosphorus (yellow)	2, 3	7723-14-0	7.4
Phosphorus oxychloride	3	10025-87-3	44.2
Phosphorus pentachloride	3	10026-13-8	73.6
Phosphorus pentasulfide	3	1314-80-3	73.6
Phosphorus trichloride	3	7719-12-2	109.3
Phthalic anyhydride	2, 3	85-44-9	437.3
Pindone	3, 6	83-26-1	7.4
Platinum (metal)	3	7440-06-4	73.6
Platinum, soluble salts, as Pt	3	7440-06-4*	0.15
Polychlorinated biphenyls (PCB)	2, 3	1336-36-3	0.01
Polycyclic Organic Matter (a total of all air contaminants listed as Polycyclic Organic Matter)	2, 3	*	25**
Potassium hydroxide	3	1310-58-3	88.3
Procarbazine and procarbazine hydrochloride	3	366-70-1*	Group B Pharmaceutical
1,3-Propane sultone	2, 3	1120-71-4	25.0

Air Contaminant Name	Sources of Regulation (See Footnotes Below)	Chemical Abstract Service Number[7]	Inclusion Level (lbs/yr)
Propargyl alcohol	3	107-19-7	145.1
β-Propiolactone	2, 3	57-57-8	25.0
Propionaldehyde	2	123-38-6	2,000.0
Propoxur	2, 3, 6	114-26-1	35.7
Propylene dichloride	2, 3	78-87-5	2,000.0
Propylene glycol monomethyl ether (PGME)	3	107-98-2	2,000.0
Propylene oxide	2, 3	75-56-9	25.0
Propylenimine	2, 3	75-55-8	25.0
Propylthiouracil	3	51-52-5	Group B Pharmaceutical
Pyrethrum	3, 6	8003-34-7	365.8
Pyridine	3	110-86-1	1,095.4
Quinoline	2	91-22-5	2,000.0
Quinone	2, 3, 6	106-51-4	29.4
Reserpine	3	50-55-5	Group B Pharmaceutical
Resorcinol	3	108-46-3	2,000.0
Rhodium (metal)	3	7440-16-6	73.6
Rhodium, soluble compounds, as Rh	3	7440-16-6*	0.74
Rotenone (commercial)	3, 6	83-79-4	365.8
Selenium and compounds, as Se	2, 3	7782-49-2*	14.5
Silicon tetrahydride (Silane)	3	7803-62-5	510.9
Sodium bisulfite	3	7631-90-5	365.8
Sodium fluoroacetate	3, 6	62-74-8	3.6
Sodium hydroxide	3	1310-73-2	88.3
Stibine (Antimony hydride)	3, 6	7803-52-3	35.7
Stoddard solvent (Mineral spirits)	3	8052-41-3	2,000.0
Streptozotocin	3	18883-66-4	Group B Pharmaceutical
Strychnine	3, 6	57-24-9	10.9
Styrene, monomer	2, 3	100-42-5	2,000.0
Styrene oxide	2	96-09-3	2,000.0
Sulfotep (TEDP)	3, 6	3689-24-5	14.5
Sulfur dioxide	1, 4	7446-09-5	2,000.0
Sulfuric acid	3	7664-93-9	73.6
Sulfur monochloride	3	10025-67-9	267.0
Sulfur tetrafluoride	3	7783-60-0	17.7
Sulfuryl fluoride	3, 6	2699-79-8	1459.1
Tellurium and compounds, as Te	3	13494-80-9*	7.4
TEPP	3, 6	107-49-3	3.6

Air Contaminant Name	Sources of Regulation (See Footnotes Below)	Chemical Abstract Service Number[7]	Inclusion Level (lbs/yr)
Terphenyls	3	26140-60-3	222.9
2,3,7,8-Tetrachlorodibenzo-p-dioxin	2, 3	1746-01-6	0.00001
1,1,2,2-Tetrachloroethane	2, 3	79-34-5	510.9
Tetrachloronaphthalene	3	1335-88-2	145.1
Tetrahydrofuran	3	109-99-9	2,000.0
Thallium, soluble compounds, as Tl	3	7440-28-0*	7.4
Thionyl chloride	3	7719-09-7	222.9
Thiourea	3	62-56-6	25.0
Thiram	3, 6	137-26-8	365.8
Tin (metal)	3	7440-31-5	145.1
Tin organic compounds, as Sn	3	7440-31-5*	7.4
Tin oxide & inorganic compounds, except SnH_4, as Sn	3	7440-31-5*	145.1
Titanium tetrachloride	2	7550-45-0	2,000.0
Toluene (Toluol)	2, 3	108-88-3	2,000.0
Toluene-2,4-diisocyanate (TDI)	2, 3	584-84-9	2.9
m-Toluidine	3	108-44-1	656
o-Toluidine	2, 3	95-53-4	2.5
Total reduced sulfur and reduced sulfur compounds	4	*	2,000.0
Tributyl phosphate	3	126-73-8	182.9
1,2,4-Trichlorobenzene	2, 3	120-82-1	1,774.4
1,1,2-Trichloroethane	2, 3	79-00-5	2,000.0
Trichloroethylene	2, 3	79-01-6	2,000.0
Trichloronaphthalene	3	1321-65-9	365.8
2,4,5-Trichlorophenol	2	95-95-4	2,000.0
2,4,6-Trichlorophenol	2	88-06-2	2,000.0
1,2,3-Trichloropropane	3	96-18-4	2,000.0
Triethylamine	2	121-44-8	2,000.0
Trifluralin	2	1582-09-8	2,000.0
Trimellitic anhydride	3	552-30-7	2.9
Trimethyl benzene, mixed isomers	3	25551-13-7	2,000.0
2,2,4-Trimethylpentane	2	540-84-1	2,000.0
Triorthocresyl phosphate	3	78-30-8	7.4
Triphenyl phosphate	3	115-86-6	218.6
Tris(1-aziridinyl)phosphine sulfide	3	52-24-4	Group B Pharmaceutical
Tungsten - as W, insoluble compounds	3	7440-33-7*	365.8
Tungsten - as W, soluble compounds	3	7440-33-7*	73.6
Uranium (natural), soluble & insoluble compounds, as U	3	7440-61-1*	14.5

Air Contaminant Name	Sources of Regulation (See Footnotes Below)	Chemical Abstract Service Number[7]	Inclusion Level (lbs/yr)
Urethane (Ethyl carbamate)	2, 3	51-79-6	25.0
n-Valeraldehyde	3	110-62-3	2,000.0
Vinyl acetate	2, 3	108-05-4	2,000.0
Vinyl bromide	2	593-60-2	2,000.0
Vinyl chloride	2, 3	75-01-4	30.0
Vinyl cyclohexene dioxide	3	106-87-6	1,314.0
Vinylidene chloride	2, 3	75-35-4	1,459.1
Vinyl toluene	3	25013-15-4	2,000.0
Volatile organic compounds (Reactive organic gases)	1	*	2,000.0
Warfarin	3, 6	81-81-2	7.4
Xylene, mixed isomers (Xylol)	2, 3	1330-20-7	2,000.0
m-Xylene	2, 3	108-38-3	2,000.0
o-Xylene	2, 3	95-47-6	2,000.0
p-Xylene	2, 3	106-42-3	2,000.0
m-Xylene-α,α'-diamine	3	1477-55-0	4.4
Xylidine, mixed isomers	3	1300-73-8	182
Zirconium and compounds, as Zr	3	7440-67-7*	365.8

[1] Criteria pollutant or criteria pollutant precursor

[2] Federal hazardous air pollutant listed under section 112(b) of the act

[3] State hazardous air pollutant

[4] Federal New Source Performance Standard

[5] Stratospheric ozone depleting substance

[6] Pesticides, rodenticides, insecticides, herbicides and fungicides

[7] The Chemical Abstract Service or CAS numbers refer to the unique chemical abstracts service registry number assigned to a specific chemical, isomer or mixture of chemicals or isomers and recorded in the CAS chemical registry system by the Chemical Abstracts Service, PO Box 3012, Columbus OH 42310, phone 1-800-848-5638 ext. 2308.

[8] Glycol ethers means any compound which can be described by the following chemical formula: $R(OCH_2CH_2)_n$-OR'

where: n = 1, 2 or 3

R = alkyl C7 or less

or R = phenyl or alkyl substituted phenyl

R' = H, alkyl C7 or less or

OR' = ester, sulfate, phosphate, nitrate or sulfonate

(i.e. any group that will readily come off)

* Indicates contaminants for which multiple CAS numbers may apply. For contaminants listed as a metal and its compounds, the given CAS number refers to the metal.

** For groups of air contaminants, the sum of the maximum theoretical emissions of all air contaminants in the group is used for comparison with the group inclusion level in Table 2. Each air contaminant in the group is listed alphabetically within the table.

SECTION 26. NR 407.10(6)(intro.) is amended to read:

NR 407.10(6)(intro.) Notwithstanding the existence of a general operation permit for a stationary source category to which an individual source belongs, no individual source may be covered by a general operation permit if any of the following apply:

SECTION 27. NR 407.10(6)(a)(intro.) is created to read:

NR 407.10(6)(a)(intro.) Both of the following apply:

SECTION 28. NR 407.15 (title) is amended to read:

NR 407.15 (title) PERMIT SUSPENSION AND REVOCATION.

SECTION 29. NR 408.06(2)(intro.) and (a) are amended to read:

NR 408.06(2)(intro.) Prior to the issuance of a permit under this chapter, federally enforceable emissions offsets shall be obtained from the same source or other sources in the same nonattainment area, except that the emissions offsets may be obtained from a source in another nonattainment area if both of the following apply:

(a) The other area has an equal or higher nonattainment classification than the area in which the source is located~~; and~~.

SECTION 30. NR 408.06(8) is amended to read:

NR 408.06(8) No emissions reduction credit may be allowed for reductions in any organic compound specifically excluded from the definition of "VOC" in s. NR 400.02~~(100)~~ (162).

SECTION 31. NR 409.02(34) is amended to read:

NR 409.02(34) "Diesel fuel" means a low sulfur fuel oil of grades 1-D or 2-D, as defined in ASTM ~~D975-91~~ D975-97, incorporated by reference in s. NR 484.10.

SECTION 32. NR 409.04(3)(b)2. and (4)(a)1. are amended to read:

NR 409.04(3)(b)2. Issuing and noticing to the public an analysis on the approvability of the request as specified in s. 285.62~~(2) and~~ (3), Stats.; and

(4)(a)1. For petroleum or petroleum products that the unit burns starting on the first day on which the exemption takes effect until the exemption terminates, a sample of each delivery of fuel shall be tested using ASTM methods ~~D4057-88~~ D4057-95 and ~~D129-91~~ D129-95, ~~D2622-92~~ D2622-94 or D4294-90, incorporated by reference in s. NR 484.10.

SECTION 33. NR 409.05(3)(b)2. and 3. are amended to read:

NR 409.05(3)(b)2. Issuing an analysis and preliminary determination on the approvability of the request for the exemption under s. 285.62~~(6)~~(3), Stats.; and

3. Issuing a proposal to issue or deny the exemption request that is treated as a proposed permit under s. ~~144.3925(5m)~~ 285.62(6), Stats.

SECTION 34. NR 409.06(7)(b) is amended to read:

NR 409.06(7)(b) Any person who knowingly makes a false, material statement in any record, submission or report under the acid rain program shall be subject to criminal enforcement by the department pursuant to ch. NR 494 and ss. ~~285.85~~ 285.83 and 285.87, Stats.

SECTION 35. NR 409.08(1)(d) Note is amended to read:

NR 409.08(1)(d) Note: Application forms may be obtained from the ~~district and area~~ regional offices of the department or from the Wisconsin Department of Natural Resources, Bureau of Air Management, PO Box 7921, Madison WI 53707-7921, Attention: Operation permits.

SECTION 36. NR 415.02(intro.) and (9) are amended to read:

NR 415.02 DEFINITIONS. (intro.) ~~In addition to the definitions in this section, the~~ The definitions in ch. NR 400 apply to the terms used in this chapter. In addition, the following definitions apply to the terms used in this chapter:

(9) "Silt content" means that portion by weight of a particulate material which will pass through a no. 200 (75 μm) wire sieve as determined by the dry method in ASTM ~~C136-93~~ C136-96a, incorporated by reference in s. NR 484.10, or other method approved by the department.

SECTION 37. NR 415.04(4)(a) and (b) are amended to read:

NR 415.04(4)(a) If paved, roadways and public trafficable areas ~~covered by~~ subject to this subsection shall be kept, through a program of periodic cleaning, reasonably free of material likely to become airborne. This paragraph does not apply to a public trafficable area of less than 20,000 contiguous square feet in area unless the public trafficable area is also a roadway.

(b) If unpaved, roadways and public trafficable areas ~~covered by~~ subject to this subsection shall be paved with asphalt, concrete or other material approved by the department, or use other methods of dust control which the department approves as representing RACT for the particular roadway or public trafficable area. Such other methods of dust control which may be approved by the department include but are not limited to periodic application of water or suitable chemicals. In reviewing and acting upon plans required by sub. (5) for compliance with this subsection, the department shall consider the effects of the use of paving or other methods of dust control upon the rate and volume of surface water runoff and water quality. This paragraph does not apply to roadways or to public trafficable areas which have less than 20,000 contiguous square feet of unpaved surface area.

SECTION 38. NR 415.05 (title) is amended to read:

NR 415.05 (title) PARTICULATE MATTER EMISSION LIMITS FOR PROCESSES.

SECTION 39. NR 415.06 (title), (1)(c)1. and (4) are amended to read:

NR 415.06 (title) PARTICULATE MATTER EMISSION LIMITS FOR FUEL BURNING INSTALLATIONS.

(1)(c)1. Installations of 250 million Btu per hour or less: maximum emission defined by the equation

$$E = 0.3 - \text{~~0.00061~~ } 0.0006I$$

where I is heat input in millions of Btu per hour and E is maximum allowable particulate matter emissions from any stack in pounds per million Btu heat input.

(4) Notwithstanding sub. (3)(a) or (b), any fuel burning installation of 250 million Btu per hour or less on which construction or modification was commenced on or before April 1, 1972 may emit up to, but not more than, an emission rate defined by the equation

$$E = 0.3 - \text{~~0.00061~~ } 0.0006I$$

where I is the heat input in millions of Btu per hour and E is the maximum allowable particulate matter emissions from any stack in pounds per million Btu heat input, if as of March 1, 1980 for installations which may cause an impact on primary or associated secondary nonattainment areas, or as of March 1, 1982 for installations which may cause an impact on any other secondary nonattainment area, the installation has an emission rate based on original design or equipment performance test conditions, whichever is more restrictive, which is less than the limit set by the above equation, and the emission control system of such installations has not been allowed to degrade more than 0.05 pound per million Btu heat input from original design or acceptance performance test conditions.

SECTION 40. NR 415.07 (title) is amended to read:

NR 415.07 (title) PARTICULATE MATTER EMISSION LIMITS FOR INCINERATORS.

SECTION 41. NR 415.075 (title) is amended to read:

NR 415.075 (title) PARTICULATE MATTER EMISSION LIMITATIONS FOR LEDGE ROCK QUARRIES AND INDUSTRIAL SAND MINES.

SECTION 42. NR 415.076 (title) is amended to read:

NR 415.076 (title) PARTICULATE MATTER EMISSION LIMITATIONS FOR CRUSHED STONE AND SAND AND GRAVEL PLANTS.

SECTION 43. NR 417.01(2) is amended to read:

NR 417.01(2) PURPOSE. This chapter is adopted under ss. ~~285.31~~ 285.11, 285.13 and 285.17, Stats., to categorize sulfur dioxide and sulfur compound air contaminant sources and to establish emission limitations for these sources in order to protect air quality.

SECTION 44. NR 417.07(5)(g) is amended to read:

NR 417.07(5)(g) The projected annual emissions of sulfur dioxide from the source, resulting from the proposed alternate emission limitation, will not exceed the annual sulfur dioxide emissions from the source in calendar years 1979 to 1983, either in terms of the highest total tons of sulfur dioxide per calendar year or in terms of the highest annual average emission rate, as expressed in pounds of sulfur dioxide per million Btu for steam generating units or fuel burning equipment or in pounds of sulfur dioxide per ton of air dried unbleached pulp for process sources at a kraft mill or sulfite mill. This condition does not apply to a source which is authorized by statute to increase its annual emissions of sulfur dioxide, ~~to a major utility which is subject to s. 144.385, Stats.,~~ to fuel burning equipment which had the capability of firing residual fuel oil but which

derived more than 50% of its annual heat input from natural gas for each calendar year from 1979 to 1983, or to fuel burning equipment which had the capability of firing coal but which derived more than 50% of its annual heat input from wood or wood waste for each calendar year from 1979 to 1983.

SECTION 45. NR 418.01(2) is amended to read:

NR 418.01(2) PURPOSE. This chapter is adopted under ss. ~~285.31~~ 285.11, 285.13 and 285.17, Stats., to categorize sources of sulfur dioxide and other sulfur compounds into separate source categories and to establish emission limitations for these categories of sources in order to protect air quality.

SECTION 46. NR 419.02(14)(intro.) is amended to read:

NR 419.02(14)(intro.) "Photochemically reactive organic ~~substances~~ compounds" means any of the following:

SECTION 47. NR 419.06(3) is amended to read:

NR 419.06(3) TANK LOAD OUT FOR HIGH THROUGHPUT FACILITIES. At facilities with over 151,412 liters (40,000 gallons) per day throughput, a vapor collection and disposal system, vapor collection adaptors and vapor-tight seal, or an underfill method with the top hatches partially closed or a means of creating a slight back pressure when loading ~~tank trucks or trailers~~ delivery vessels shall be used.

SECTION 48. NR 419.07(1) Note and (4)(d)2.c. Note are amended to read:

NR 419.07(1) Note: Certain contaminated soils and water are hazardous wastes. Due to the "mixture", "derived from", and "contained in" rules found in ch. NR 605, soils and water contaminated by listed hazardous waste under s. NR 605.09(2), Table II or III, are also hazardous wastes. In addition, any residue or contaminated soil, water or other debris resulting from the cleanup of a spill of any material listed in Table IV or V of s. NR 605.09(3) is a listed hazardous waste. Soils, water or other debris may also be considered hazardous waste when they exhibit a hazardous characteristic under one of the test procedures of s. NR 605.08, including the toxicity characteristic leaching procedure test. Contaminated soils and water must be evaluated for the applicability of hazardous waste management rules (chs. NR 600 to 685). The requirements in chs. NR 600 to 685 for the treatment, storage or disposal of hazardous waste must be followed if the contaminated soil or water is hazardous waste. Requirements in chs. NR 700 to 750 may also apply.

(4)(d)2.c. Note: ~~Chapter NR 722~~ Section NR 722.09(4) has further limitations on the amount of contaminated soil that may be disposed of in landfills.

SECTION 49. NR 419.08(1)(c), (2)(intro.), (b) and (c), (3), (5) and (6)(intro.) are amended to read:

NR 419.08(1)(c) Any owner or operator of an iron or steel foundry or core manufacturing facility having annual emissions less than the applicability thresholds in par. (b) shall comply with the ~~reporting~~ recordkeeping requirements of sub. ~~(7)~~ (6) for that facility.

(2) EMISSION AND OPERATIONAL LIMITATIONS. (intro.) No owner or operator of a core or

mold manufacturing system which produces cores or molds for use at iron or steel foundries may cause, allow or permit the operation of the system unless all of the following requirements are met:

(b) All core and mold coating storage vessels and containers remain covered whenever product is not being moved into or out of the vessel or container~~, and~~.

(c) Emissions of ~~any VOC resulting from~~ the organic gases used in the catalysis step in the formation of ~~a~~ urethane cold box ~~binder~~ binders are controlled with an overall efficiency of at least 90%.

(3) COMPLIANCE AND CERTIFICATION DEADLINES. (a) Final compliance with the requirements of sub. (2) shall be achieved by May 31, 1995 or upon startup, whichever is later.

(b) The owner or operator shall submit certification to the department, ~~no later than~~ by July 1, 1995 or within 90 days after startup, whichever is later, that the facility is in compliance with the requirements of sub. (2), as demonstrated by the applicable testing methods of s. NR 439.06(3).

(5) EMISSION CONTROL SYSTEM MONITORING. The owner or operator of any facility which uses a wet scrubber to control ~~VOC~~ organic gas emissions from the catalysis of urethane cold box binders shall continuously measure and record the pH of the scrubber liquid in addition to meeting the monitoring requirements of s. NR 439.055(1)(e).

(6) RECORDKEEPING. (intro.) Owners or operators of a facility subject to this section, including those exempt from the requirements of sub. (2) under sub. (1)(b), shall maintain the following records in accordance with s. NR 439.04(1) to (3):

SECTION 50. NR 419.08(7) is repealed.

SECTION 51. NR 420.02(intro.), (31) and (41) are amended to read:

NR 420.02 DEFINITIONS. (intro.) The definitions contained in chs. NR 400 and 419 apply to the terms used in this chapter. In addition, the following definitions apply to the terms used in this chapter and chs. NR ~~420 to~~ 421 and 425:

(31) "Reid vapor pressure" means the absolute vapor pressure of volatile crude petroleum and volatile nonviscous petroleum liquids except liquified petroleum gases as determined by ASTM ~~D323-90~~ D323-94, incorporated by reference in s. NR 484.10.

(41) "Waxy, heavy pour crude petroleum" means a crude petroleum with a pour point of 10°C (50°F) or higher as determined by ASTM ~~D97-93~~ D97-96a, incorporated by reference in s. NR 484.10.

SECTION 52. NR 420.03(1)(a) is amended to read:

NR 420.03(1)(a) Storage vessels being used for number 2 through number 6 fuel oils as specified in ASTM ~~D396-92~~ D396-97, gas turbine fuel oils numbers 2-GT through 4-GT as specified in ASTM ~~D2880-92~~

D2880-96, or diesel fuel oils numbers 2-D and 4-D as specified in ASTM ~~D975-92a~~ D975-97. These ASTM standards are incorporated by reference in s. NR 484.10.

SECTION 53. NR 420.03(5)(b)5. is amended to read:

NR 420.03(5)(b)5. Routine inspections are conducted through roof hatches at monthly intervals during the ozone season. These routine inspections shall include, at a minimum, a visual examination to determine that the roof is resting on the liquid surface, no liquid has accumulated on the roof, no seal is detached and that there are no tears or holes in the seal material.

SECTION 54. NR 420.03(5)(b)6. and 7. are renumbered 420.03(5)(b)7. and 8. and 420.03(5)(b)7. and 8.(intro.) and a., as renumbered, are amended to read:

NR 420.03(5)(b)7. A complete inspection of cover and seal is conducted ~~whenever the tank is emptied or at least every 5 years, whichever is more frequent~~ periodically as required by par. (c).

8.(intro.) Records are maintained and retained for a minimum of ~~2~~ 5 years, unless otherwise noted, that shall include both of the following:

a. The results of inspections conducted under subds. 5. and ~~6.~~ 7., including LEL readings, if applicable. All LEL readings and inspection report records shall be maintained for a minimum of 10 years if the facility elects to comply with par. (c) through use of par. (c)2.

SECTION 55. NR 420.03(5)(b)6. is created to read:

NR 420.03(5)(b)6. The vessel is repaired or removed from service as expeditiously as practicable, but no later than 45 days after any routine inspection in which any of the defects described in subd. 5. are found, unless an extension is granted by the department. If a defect identified in subd. 5. cannot be repaired or the vessel removed from service within 45 days, a one time 30 day extension may be requested by the owner or operator. The department may grant such a request if the owner or operator demonstrates that alternative storage capacity is not available or that repair or removal of the tank from service is infeasible for reasons beyond the control of the owner or operator.

SECTION 56. NR 420.03(5)(c) and (d) are created to read:

NR 420.03(5)(c) *Complete inspection requirements.* All fixed roof storage vessels at a facility to which this subsection applies are required to periodically undergo a complete inspection of cover and seal, and all shall use either subd. 1. or 2. to demonstrate compliance. No facility may use different compliance methods for different fixed roof storage vessels to comply with this paragraph. The complete inspection shall be conducted according to one of the following schedules:

1. Whenever a fixed roof storage vessel is emptied and degassed or at least every 5 years, whichever is more frequent.

2. Whenever a fixed roof storage vessel is emptied and degassed or at least every 10 years, whichever is more frequent, if all of the following requirements are met:

a. The routine monthly inspections during the ozone season, in addition to meeting the requirements of par. (b)5., include the measurement with an explosimeter of the organic vapor space above the internal floating roof to demonstrate that the organic vapor concentration does not exceed 50% of the lower explosive limit (LEL) for the stored petroleum liquid.

b. The fixed roof storage vessel is repaired or removed from service as expeditiously as practicable, but no later than 45 days after the completion of the routine inspection if any of the defects described in par. (b)5. are found or if the measurement required under subpar. a. exceeds 50% of the LEL.

c. Repair steps meeting the requirements of subpar. b. may include tests, maintenance or inspections followed by LEL measurements below 50% within 45 days of the initial LEL reading exceeding 50% that confirm further repair or removal of the tank from service is not warranted.

(d) *Notification and change of compliance method requirements.* All existing facilities which have one or more storage vessels subject to par. (c) shall notify the department in writing, by January 3, 2000, as to whether the facility will comply with this section under the provisions of par. (c)1. or 2. After January 3, 2000, a facility owner or operator may only change the compliance option from par. (c)1. to par. (c)2. after completing a complete inspection of every affected fixed roof storage vessel at the facility. For any newly constructed facility, the owner or operator shall notify the department prior to commencing operation as to which compliance option will be used. A facility owner or operator may at any time elect to change the compliance option from par. (c)2. to par. (c)1. provided the following conditions are met:

1. The facility owner or operator notified the department, in writing, at least 30 days prior to the date on which the facility owner or operator plans to begin meeting the requirements of par. (c)1.

2. All tanks at the facility were found to be in compliance with the 50% LEL requirement of par. (c)2. during their last LEL measurement.

SECTION 57. NR 420.03(6)(b)9. is renumbered 420.03(6)(b)10. and 420.03(6)(b)10.(intro.) is amended to read:

NR 420.03(6)(b)10.(intro.) Records are maintained and retained for a minimum of ~~2~~ 5 years that shall include:

SECTION 58. NR 420.03(6)(b)9. is created to read:

NR 420.03(6)(b)9. The vessel is repaired or removed from service as expeditiously as practicable, but no later than 45 days after the completion of the routine inspection under subd. 7. or the annual inspection under subd. 8. if the inspection reveals a failure to meet any of the requirements of subd. 2.

SECTION 59. NR 420.04(2)(a)2. and (3)(g)1. are amended to read:

NR 420.04(2)(a)2. Bulk plant unloading facilities, the delivery vessels receiving gasoline from bulk plants, and the operation of transferring gasoline from bulk plant to delivery vessel when the transfer takes place outside the counties of Brown, Calumet, Dane, Dodge, Door, Fond du Lac, Jefferson, Kenosha, Kewaunee, Manitowoc, Milwaukee, Outagamie, Ozaukee, Racine, Rock, Sheboygan, Walworth, Washington, Waukesha and Winnebago or when the gasoline is delivered exclusively to facilities exempted from the requirements of sub. (3) by sub. (3)(a)1., 2., 3., 4., 5. or 6. However, the requirements of pars. (b) to (g) do apply if gasoline is transferred during the ozone season to a delivery vessel whose last previous delivery was to a gasoline dispensing facility, either inside or outside ~~Wisconsin~~ this state, which is required to have a vapor balance system.

(3)(g)1. Install all necessary control systems and make all necessary process modifications in accordance with ~~sub. (3)~~ pars. (b), (c), (d) and (e).

SECTION 60. NR 421.04(3)(a)2. is amended to read:

NR 421.04(3)(a)2. An incineration or catalytic oxidation system which oxidizes at least 90% of the nonmethane VOCs (measured as total combustible carbon which enter the incineration or oxidation unit, to ~~non-organic~~ nonorganic compounds.

SECTION 61. NR 421.05(2)(e)3. is amended to read:

NR 421.05(2)(e)3. Notwithstanding subd. 1., if less than or equal to 2% of the valves monitored pursuant to subd. 1. are found ~~not~~ to leak for 5 consecutive quarters, monitoring of valves under subd. 1. ~~shall~~ will not be required for the following 3 consecutive quarters. Monitoring shall be conducted during the next quarter and every fourth quarter thereafter. If, during monitoring required under this subdivision, more than 2% of valves monitored are found to leak, quarterly monitoring under subd. 1. shall be reinstituted in the next quarter.

SECTION 62. NR 421.05(3)(b)2. Note is created to read:

NR 421.05(3)(b)2. Note: "Maximum theoretical emissions" has the meaning given in s. NR 419.02(11).

SECTION 63. NR 421.06(2)(e)3. is amended to read:

NR 421.06(2)(e)3. Notwithstanding subd. 1., if less than or equal to 2% of the valves monitored pursuant to subd. 1. are found ~~not~~ to leak for 5 consecutive quarters, monitoring of valves under subd. 1. ~~shall~~ will not be required for the following 3 consecutive quarters. Monitoring shall be conducted during the next quarter and every forth quarter thereafter. If, during monitoring required under this subdivision, more than 2% of valves monitored are found to leak, quarterly monitoring under subd. 1. shall be reinstituted in the next quarter.

SECTION 64. NR 421.06(3)(b)2. Note is created to read:

NR 421.06(3)(b)2. Note: "Maximum theoretical emissions" has the meaning given in s. NR 419.02(11).

SECTION 65. NR 422.02(42) is amended to read:

NR 422.02(42) "High performance architectural coating" means a coating which meets the requirements specified in Architectural Aluminum Manufacturer's Association publication number AAMA ~~605.2-85~~ 605.2-92, incorporated by reference in s. NR 484.11.

SECTION 66. NR 422.03(7) is repealed and recreated to read:

NR 422.03(7) Coatings and inks which are subject to an emission limitation under this chapter, but which do not comply with the applicable emission limitation, if the aggregate use of these noncompliant coatings and inks at the facility does not exceed 55 gallons during any 12 consecutive months.

SECTION 67. NR 422.03(9)(c) Note is created to read:

NR 422.03(9)(c) Note: "Maximum theoretical emissions" has the meaning given in s. NR 419.02(11).

SECTION 68. NR 422.04(4) is amended to read:

NR 422.04(4) CAPTURE SYSTEMS. The design, operation and efficiency of any capture system used in conjunction with sub. (2)(b), (c) or (d) shall be certified in writing by the owner or operator. The efficiency of the capture system is subject to approval by the department ~~and, for~~ . For sources ~~covered under ss. NR 422.05 to 422.135 or 422.145 to 422.155~~ subject to an emission limitation under this chapter which is expressed in units of pounds VOC per gallon of coating or ink, excluding water, the efficiency of the capture system shall be great enough to insure that for any day either 95% overall control is achieved or the emissions ~~for any day~~ from the controlled line are less than or equal to the amount determined using the following equation:

$$E = \sum_{i=1}^{n} (A_i B_i C_i / D_i)$$

where:

E is the total allowable daily emissions of VOCs in kilograms (pounds) from all coatings or inks subject to the same numerical emission limitation and applied on the controlled line

i is the subscript denoting an individual coating or ink

n is the number of different coatings or inks applied

A_i is the allowable emission rate for the coatings or inks pursuant to ~~ss. NR 422.05 to 422.135 and 422.145 to 422.155~~ the requirements of this chapter in kilograms per liter (pounds per gallon) of coating or ink, excluding water, delivered to the applicator

B_i is the amount of coating material or ink in liters (gallons), delivered to the applicator during the actual production day

C_i is the volume fraction of solids in the coating or ink, delivered to the applicator during the actual production day

D_i is the theoretical volume fraction of solids in the coating or ink necessary to meet the allowable emission rate pursuant to ~~ss. NR 422.05 to 422.135 and 422.145 to 422.155~~ the requirements of this chapter calculated from:

$$D_i = 1 - [A_i / P_i]$$

where:

P_i is the density of the VOC used in the coating or ink delivered to the applicator during the actual production day in kilograms per liter (pounds per gallon). If the coating or ink does not contain any VOCs, or if the actual VOC density cannot be demonstrated by the owner or operator, a value of 0.88 kilograms per liter (7.36 pounds per gallon) shall be used for P.

SECTION 69. NR 422.125(4)(intro.) is amended to read:

NR 422.125(4)(intro.) APPLICATION TECHNOLOGY. ~~An~~ After September 1, 1996, an owner or operator of a wood furniture manufacturing facility shall only apply finishing materials using electrostatic application, flow coating, dip coating, a low-pressure spray method, paint brush, hand roller or roll coater with the following exceptions:

SECTION 70. NR 422.125(6)(d)6. Note is created to read:

NR 422.125(6)(d)6. Note: "Maximum theoretical emissions" has the meaning given in s. NR 419.02(11).

SECTION 71. NR 422.14(2)(intro.), (a) and (b) are amended to read:

NR 422.14(2)(intro.) EMISSION LIMITATIONS. No owner or operator of a packaging rotogravure, publication rotogravure~~,~~ or flexographic printing line may operate, or cause, allow or permit the operation of the line unless one of the following requirements is met:

(a) The volatile fraction of ink, as it is applied to the substrate, contains 25% by volume or less of VOC and 75% by volume or more of water~~;~~.

(b) The ink, as it is applied to the substrate, less water, contains 60% by volume or more nonvolatile material~~; or~~.

SECTION 72. NR 422.142(5)(d) is amended to read:

NR 422.142(5)(d) The vapor pressure of each VOC in blanket or roller wash shall be determined by ASTM ~~D2879-92~~ D2879-96, incorporated by reference in s. NR 484.10.

SECTION 73. NR 422.142(6)(b)3. Note is created to read:

NR 422.142(6)(b)3. Note: "Maximum theoretical emissions" has the meaning given in s. NR 419.02(11).

SECTION 74. NR 422.15(1)(j) is repealed.

SECTION 75. NR 422.15(1)(k) Note is created to read:

NR 422.15(1)(k) Note: This section does not apply to the silk screening of metal parts and products. These operations are regulated under s. NR 422.145.

SECTION 76. NR 423.03(2)(g)2., (4)(c)(intro.) and 1., (d), (h) and (k), (5)(c)(intro.) and (7)(c) are amended to read:

NR 423.03(2)(g)2. Located inside Kenosha, Kewaunee, Manitowoc, Milwaukee, Ozaukee, Racine, Sheboygan, Washington or Waukesha county and whose ~~emission~~ emissions of VOCs ~~from wipe cleaning operations~~ are not more than 6.8 kilograms (15 pounds) in any one day is exempt from the requirements of sub. (7)(d).

(4)(c)(intro.) Install and use one of the following control devices:

1. ~~A~~ Except when par. (o) applies, a freeboard ratio equal to or greater than 0.75 for all degreasers, with a powered or mechanically assisted cover ~~if the~~ for any degreaser with an opening which is greater than 1.0 square meter (10.8 square feet).

(d) ~~Not position~~ Position any ventilation fans so ~~as to~~ that they do not disturb the degreaser's vapor zone, ~~nor provide~~ and limit exhaust ventilation ~~exceeding~~ to 20 cubic meters per minute per square meter (65 cubic feet per minute per square foot) of degreaser open area during the ozone season, unless a higher exhaust

rate is necessary to meet OSHA requirements.

(h) ~~Not degrease~~ Prevent porous or absorbent materials, such as cloth, leather, wood or rope, from entering the degreaser.

(k) ~~Not operate~~ Operate the degreaser ~~so as to allow~~ in a manner that prevents water ~~to be~~ from being visually detectable in solvent exiting the water separator.

(5)(c)(intro.) Install and use one of the following control devices:

(7)(c) ~~Not allow~~ Follow operating procedures which prevent solvent ~~to drip~~ from dripping from the applicator during solvent application.

SECTION 77. NR 423.05(3)(b)2. Note is created to read:

NR 423.05(3)(b)2. Note: "Maximum theoretical emissions" has the meaning given in s. NR 419.02(11).

SECTION 78. NR 424.02(intro.) is amended to read:

NR 424.02 DEFINITIONS. (intro.) ~~In addition to the definitions in this section, the~~ The definitions contained in chs. NR 400, 419, 420 and 421 apply to the terms used in this chapter. In addition, the following definitions apply to the terms used in this chapter:

SECTION 79. NR 424.03(3)(intro.) is amended to read:

NR 424.03(3) ELECTION. (intro.) Surface coating and printing processes subject to the requirements of this section may instead elect, with the approval of the department, to meet the emission limitations of ss. NR 422.01 to 422.155, notwithstanding ss. NR 422.03(1), (2), (3) ~~or~~, (4) or (4m) and 425.03, provided that all of the following requirements are met:

SECTION 80. NR 424.04(3)(b)2. Note is created to read:

NR 424.04(3)(b)2. Note: "Maximum theoretical emissions" has the meaning given in s. NR 419.02(11).

SECTION 81. NR 424.05(6)(b)4. Note is created to read:

NR 424.05(6)(b)4. Note: "Maximum theoretical emissions" has the meaning given in s. NR 419.02(11).

SECTION 82. NR 425.02(intro.) and (2) are amended to read:

NR 425.02 DEFINITIONS. (intro.) ~~In addition to the definitions in this section, the~~ The definitions contained in chs. NR 400, 419, 420 and 421 apply to the terms used in this chapter. In addition, the following definitions apply to the terms used in this chapter:

(2) "Hydrophobic substrate" means any substrate that is resistant to or avoids wetting. This may

include but is not limited to polyethylene, polypropylene, cellophane, metalized polyester, nylon and ~~mylar~~ polyester film.

SECTION 83. NR 425.03(9)(a)(intro.) and 1., (10)(a) and (d) and (12)(a)(intro.), 1. to 6. and 7. (intro.) are amended to read:

NR 425.03(9)(a)(intro.) This subsection applies only to a leather coating facility in existence on January 1, 1994 and which is one of the following:

1. Located in the county of Door, Kewaunee, Manitowoc, Sheboygan or Walworth~~, or~~.

(10)(a) This subsection applies only to sources constructed or last modified before March 1, 1990 which fail to meet an applicable VOC emission limitation of chs. NR 419 to 424 as a result of the amendment to s. NR 400.02~~(100)~~ (162) which became effective on March 1, 1990.

(d) The department may, by order issued under ss. 285.13(2) and 285.83, Stats., authorize a source not in compliance with an emission limitation prescribed in chs. NR 419 to 424 as a result of the amendment to s. NR 400.02~~(100)~~ (162) which became effective on March 1, 1990 to achieve compliance as expeditiously as practicable but not later than March 1, 1993. The department shall hold a public hearing in accordance with its rules prior to authorizing any period of delayed compliance which exceeds 30 days in duration. No order under this subsection may be issued unless the requirements of s. NR 436.04(2)(g) and (h) are satisfied.

(12)(a)(intro.) This subsection applies only to a facility which ~~is~~ was in existence on January 1, 1994 and to which one of the following applies:

1. Prior to January 1, 1994 the facility was exempt from the requirements of ss. NR 422.04 to 422.155 under ss. NR 422.03(1) or (2)~~, or~~.

2. ~~Is~~ The facility is located in the county of Door or Kewaunee and ~~which~~ prior to January 1, 1994 was exempt from the requirements of ss. NR 422.05 to 422.08, 422.09 to 422.13, 422.15 or 422.155 under s. NR 422.03(3)~~, or~~.

3. ~~Is~~ The facility is located in the county of Kenosha, Milwaukee, Ozaukee, Racine, Washington or Waukesha and ~~which~~ prior to January 1, 1994 was exempt from the requirements of s. NR 422.14 under s. NR 422.03(4)~~, or~~.

4. ~~Fails~~ The facility fails to meet an emission limitation applicable under s. NR 422.14(2)(c) as a result of the amendment to s. NR 422.14(3) which became effective on January 1, 1994~~, or~~.

5. Prior to January 1, 1994 the facility was exempt from the requirements of s. NR 422.15 under s. NR 422.15(1)(e)~~,~~ or (g) ~~or (j), or~~.

6. ~~Fails~~ The facility fails to meet an emission limitation applicable under s. NR 422.15(2) or (3) as a result of the amendment to s. NR 422.15(5)(intro.) which became effective on January 1, 1994~~, or~~.

7. (intro.) Prior to January 1, 1994 the facility was exempt from the requirements of s. NR 423.03(3)

or (6) for one of the following reasons:

SECTION 84. NR 425.04(1)(b) is amended to read:

NR 425.04(1)(b) Except for the provisions of s. NR 419.03(1) and (2), the requirements of chs. NR 419 to ~~425~~ 424 do not apply to the use or application of insecticides, pesticides or herbicides or to the use or emission of organic compounds which have been determined to have negligible photochemical reactivity as listed in s. NR 400.02~~(100)~~ (162).

SECTION 85. NR 429.04(1)(f) is amended to read:

NR 429.04(1)(f) Burning at rural or isolated solid waste disposal sites outside of the Southeastern Wisconsin Intrastate AQCR which have been ~~granted a written exemption~~ approved under s. NR 506.04, or burning of special waste where permits are obtained from the department.

SECTION 86. NR 436.03(1) is amended to read:

NR 436.03(1) GENERAL PROHIBITION. No person may cause, allow or permit emissions ~~into the ambient air~~ in excess of the limits set in chs. NR 400 to 499. Where a numerical limit is specified as a 2 digit integer in which the second digit is zero, the zero is a significant figure.

SECTION 87. NR 436.06(3)(b)2. is amended to read:

NR 436.06(3)(b)2. Evaluate through ambient air quality monitoring ~~and/or~~ or dispersion modeling or both the air quality impact of granting the variance and determine that maintenance of the primary standards is not being endangered.

SECTION 88. NR 438.02(2) is amended to read:

NR 438.02(2) "Source classification code" means an 8-position code which represents a process or function associated with a point of air contaminant emissions, as set forth by EPA in ~~the AIRS Facility Subsystem Source Classification Codes and Emission Factor Listing for Criteria Air Pollutants, EPA-450/4-90-003, March 1990~~ FIRE Version 6.01, incorporated by reference in s. NR ~~484.05~~ 484.06.

SECTION 89. NR 438.03 Table 1 is amended to read:

NR 438.03 **Table 1**

Air Contaminant Name	CAS Number	Reporting Level (lbs/yr)
Acetaldehyde	75-07-0	6,000
Acetamide	60-35-5	6,000

Air Contaminant Name	CAS Number[1]	Reporting Level (lbs/yr)
Acetic acid	64-19-7	6,000
Acetic anhydride	108-24-7	4,436
Acetonitrile	75-05-8	6,000
Acetophenone	98-86-2	6,000
2-Acetylaminofluorene	53-96-3	6,000
Acrolein	107-02-8	91
Acrylamide	79-06-1	105
Acrylic acid	79-10-7	6,000
Acrylonitrile	107-13-1	12
Adriamycin	23214-92-8	12
Aflatoxins	1402-68-2	12
Aldrin	309-00-2	91
Allyl alcohol	107-18-6	1,829
Allyl chloride	107-05-1	1,093
Aluminum alkyls	7429-90-5[2]	725
Aluminum pyro powders	7429-90-5[2]	1,829
Aluminum soluble salts	7429-90-5[2]	725
2-Aminoanthraquinone	117-79-3	125
4-Aminobiphenyl	92-67-1	12
Amitrole	61-82-5	73
[3]Ammonia	7664-41-7	6,000
Aniline	62-53-3	3,648
Anisidine	29191-52-4	125
o-Anisidine and o-anisidine hydrochloride	90-04-0[2]	125
Antimony & compounds, as Sb	7440-36-0[2]	179
ANTU	86-88-4	105
Arsenic and inorganic compounds, as As	7440-38-2[2]	12
[3]Arsine	7784-42-1	73
Asbestos, all forms	1332-21-4[2]	12
Atrazine	1912-24-9	1,829
Azathioprine	446-86-6	12
Azinphos-methyl	86-50-0	73
Barium, soluble compounds, as Ba	7440-39-3[2]	179
Benomyl	17804-35-2	3,648
Benz(a)anthracene	56-55-3	12
Benzene	71-43-2	150
Benzidine	92-87-5	1.0
Benzo(b)fluoranthene	205-99-2	12
Benzo(j,k)fluorene	206-44-0	12
Benzo(a)phenanthrene (Chrysene)	218-01-9	12
Benzo(a)pyrene	50-32-8	12
Benzotrichloride	98-07-7	125
Benzoyl peroxide	94-36-0	1,829
Benzyl chloride	100-44-7	1,829
Beryllium and beryllium compounds, as Be	7440-41-7[2]	12
Biphenyl	92-52-4	547
N,N-Bis (2-chloroethyl)-2-naphthylamine (Chloronaphazine)	494-03-1	12
Bischloroethyl nitrosourea	154-93-8	12
Bis(chloromethyl) ether (BCME) and technical grade	542-88-1	0.050
Borates, tetra, sodium salts, decahydrate	1303-96-4[2]	1,829
Borates, tetra, sodium salts, pentahydrate	1303-96-4[2]	368
Boron tribromide	10294-33-4	2,218
[3]Boron trifluoride	7637-07-2	662
Bromacil	314-40-9	3,648
[3]Bromine	7726-95-6	252
[3]Bromine pentafluoride	7789-30-2	252
Bromoform	75-25-2	6,000
1,3-Butadiene	106-99-0	6,000
1,4-Butanediol dimethanesulphonate (Myleran)	55-98-1	12
[4]2-Butoxyethanol (EGBE)	111-76-2	6,000

Air Contaminant Name	CAS Number[1]	Reporting Level (lbs/yr)
n-Butyl acrylate	141-32-2	6,000
n-Butyl alcohol	71-36-3	6,000
n-Butylamine	109-73-9	3,332
tert-Butyl chromate, as Cr	1189-85-1	0.050
n-Butyl glycidyl ether (BGE)	2426-08-6	6,000
n-Butyl lactate	138-22-7	6,000
o-sec-Butylphenol	89-72-5	6,000
p-tert-Butyltoluene	98-51-1	6,000
Cadmium and cadmium compounds, as Cd	7440-43-9[2]	12
Calcium cyanamide	156-62-7	179
Calcium hydroxide	1305-62-0	1,829
Calcium oxide	1305-78-8	725
Camphor (synthetic)	76-22-2	4,373
Caprolactam vapor	105-60-2	6,000
Captafol	2425-06-1	37
Captan	133-06-2	1,829
Carbaryl	63-25-2	1,829
Carbofuran	1563-66-2	37
Carbon black	1333-86-4	1,272
Carbon dioxide	124-38-9	100,000 tons
Carbon disulfide	75-15-0	6,000
Carbon monoxide	630-08-0	10,000
Carbon tetrabromide	558-13-4	515
Carbon tetrachloride	56-23-5	12
Carbonyl fluoride	353-50-4	1,829
Carbonyl sulfide	463-58-1	6,000
Catechol (Pyrocatechol)	120-80-9	6,000
Cesium hydroxide	21351-79-1	725
Chloramben	133-90-4	6,000
Chlorambucil	305-03-3	12
Chlordane	57-74-9	179
Chlorinated camphene (Toxaphene)	8001-35-2	179
Chlorinated dioxins and furans (total equivalents)	[2]	0.00005
Chlorinated diphenyl oxide	55720-99-5	179
[3]Chlorine	7782-50-5	1,093
[3]Chlorine dioxide	10049-04-4	105
[3]Chlorine trifluoride	7790-91-2	88
Chloroacetic acid	79-11-8	6,000
2-Chloroacetophenone	532-27-4	6,000
Chlorobenzene (Monochlorobenzene)	108-90-7	6,000
Chlorobenzilate	510-15-6	6,000
1-(2-Chloroethyl)-3-cyclohexyl-1-nitrosourea (CCNU)	13010-47-4	12
[3]Chlorofluorocarbon-11 (CFC-11, R-11, Trichlorofluoromethane)	75-69-4	6,000
[3]Chlorofluorocarbon-12 (CFC-12, R-12, Dichlorodifluoromethane)	75-71-8	6,000
[3]Chlorofluorocarbon-13 (CFC-13, R-13, Chlorotrifluoromethane)	75-72-9	6,000
[3]Chlorofluorocarbon-111 (CFC-111)	954-56-3	6,000
[3]Chlorofluorocarbon-112 (CFC-112)	76-12-0	6,000
[3]Chlorofluorocarbon-113 (CFC-113, R-113, Trichlorotrifluoroethane)	76-13-1	6,000
[3]Chlorofluorocarbon-114 (CFC-114, R-114, Dichlorotetrafluoroethane)	76-14-2	6,000
[3]Chlorofluorocarbon-115 (CFC-115, R-115, Monochloropentafluoroethane)	76-15-3	6,000
[3]Chlorofluorocarbon-211 (CFC-211, R-211)		6,000
[3]Chlorofluorocarbon-212 (CFC-212, R-212)		6,000
[3]Chlorofluorocarbon-213 (CFC-213, R-213)		6,000
[3]Chlorofluorocarbon-214 (CFC-214, R-214)		6,000
[3]Chlorofluorocarbon-215 (CFC-215, R-215)		6,000
[3]Chlorofluorocarbon-216 (CFC-216, R-216)		6,000
[3]Chlorofluorocarbon-217 (CFC-217, R-217)		6,000
Chloroform	67-66-3	125
Chloromethyl methyl ether (CMME)	107-30-2	0.050
1-Chloro-1-nitropropane	600-25-9	3,648

Air Contaminant Name	CAS Number[1]	Reporting Level (lbs/yr)
Chloropicrin (Trichloronitromethane)	76-06-2	252
~~beta~~ β-Chloroprene	126-99-8	6,000
o-Chlorostyrene	2039-87-4	6,000
o-Chlorotoluene	95-49-8	6,000
Chlorpyrifos	2921-88-2	73
Chromium (II) compounds, as Cr	7440-47-3[2]	179
Chromium (III) compounds, as Cr	7440-47-3[2]	179
Chromium (VI) compounds, as Cr, water soluble	7440-47-3[2]	18
Chromium (VI) compounds, as Cr, water insoluble	7440-47-3[2]	1.0
Chromium (metal)	7440-47-3	179
Chromyl chloride, as Cr	14977-61-8	0.050
Cobalt, as Co, metal, dust	7440-48-4	18
[3]Coke oven emissions	[2]	12
Copper, dust & mists, as Cu	7440-50-8	368
p-Cresidine	120-71-8	125
Cresol, all isomers	1319-77-3	6,000
m-Cresol	108-39-4	6,000
o-Cresol	95-48-7	6,000
p-Cresol	106-44-5	6,000
Crotonaldehyde	123-73-9[2]	2,943
Crufomate	299-86-5	1,829
Cumene	98-82-8	6,000
Cyanamide	420-04-2	725
Cyanides, (inorganics), as CN	143-33-9[2]	1,829
Cyanogen	460-19-5	6,000
Cyanogen chloride	506-77-4	137
Cyclohexanol	108-93-0	6,000
Cyclohexanone	108-94-1	6,000
Cyclohexylamine	108-91-8	6,000
Cyclopentadiene	542-92-7	6,000
Cyclophosphamide	50-18-0	12
Cyhexatin	13121-70-5	1,829
2,4-D, salts and esters	94-75-7	6,000
DDE	72-55-9	6,000
Dacarbazine	4342-03-4	12
Demeton	8065-48-3	37
Diacetone alcohol	123-42-2	6,000
2,4-Diaminoanisole sulfate	39156-41-7	125
2,4-Diaminotoluene (2,4-Toluenediamine)	95-80-7[2]	125
Diazinon	333-41-5	37
Diazomethane	334-88-3	147
Dibenz(a,h)acridine	226-36-8	12
Dibenz(a,j)acridine	224-42-0	12
Dibenz(a,h)anthracene	53-70-3	12
7H-Dibenzo(c,g)carbazole	194-59-2	12
Dibenzofurans	132-64-9	6,000
Dibenzo(a,h)pyrene	189-64-0	12
Dibenzo(a,i)pyrene	189-55-9	12
[3]Diborane	19287-45-7	37
1,2-Dibromo-3-chloropropane (DBCP)	96-12-8	125
1,2-Dibromoethane (EDB)	106-93-4	125
2-N-Dibutylaminoethanol	102-81-8	5,109
Dibutyl phthalate	84-74-2	1,829
o-Dichlorobenzene	95-50-1	6,000
p-Dichlorobenzene	106-46-7	6,000
3,3'-Dichlorobenzidine	91-94-1	125
1,3-Dichloro-5,5-dimethyl hydantoin	118-52-5	73
1,1-Dichloroethane	75-34-3	6,000
1,2-Dichloroethane (EDC)	107-06-2	12
1,2-Dichloroethylene	540-59-0	6,000

Air Contaminant Name	CAS Number[1]	Reporting Level (lbs/yr)
Dichloroethyl ether	111-44-4	6,000
1,1-Dichloro-1-nitroethane	594-72-9	3,648
~~Dichloropropene~~ 1,3-Dichloropropene	542-75-6	1,829
2,2-Dichloropropionic acid	75-99-0	2,186
Dichlorvos	62-73-7	368
Dicrotophos	141-66-2	91
Dicyclopentadiene	77-73-6	6,000
Dieldrin	60-57-1	91
Diethanolamine	111-42-2	5,477
Diethylamine	109-89-7	6,000
2-Diethylaminoethanol	100-37-8	6,000
Diethylene triamine	111-40-0	1,461
Di(2-ethylhexyl) phthalate (DEHP)	117-81-7	125
Diethyl phthalate	84-66-2	1,829
Diethyl sulfate	64-67-5	12
Diethylstilbestrol (DES)	56-53-1	12
Diglycidyl ether (DGE)	2238-07-5	179
Diisobutyl ketone (DIBK)	108-83-8	6,000
Diisopropylamine	108-18-9	6,000
3,3'-Dimethoxybenzidine (o-Dianisidine)	119-90-4	125
Dimethyl acetamide	127-19-5	6,000
Dimethylamine	124-40-3	6,000
4-Dimethylaminoazobenzene	60-11-7	125
Dimethylaniline (N,N-Dimethylaniline)	121-69-7	6,000
3,3'-Dimethylbenzidine (o-Tolidine)	119-93-7	125
Dimethylcarbamoyl chloride	79-44-7	125
N,N-Dimethylformamide	68-12-2	6,000
1,1-Dimethylhydrazine	57-14-7	125
Dimethylphthalate	131-11-3	1,829
Dimethyl sulfate	77-78-1	12
Dinitrobenzene, all isomers	528-29-0[2]	368
Dinitro-o-cresol	534-52-1	73
2,4-Dinitrophenol	51-28-5	6,000
Dinitrotoluene	25321-14-6[2]	547
n-Dioctyl phthalate	117-84-0	6,000
1,4-Dioxane	123-91-1	125
Dioxathion	78-34-2	73
Diquat	85-00-7[2]	179
Disulfoton	298-04-4	37
Divinyl benzene	1321-74-0[2]	6,000
Endosulfan	115-29-7	37
Endrin	72-20-8	37
Epichlorohydrin	106-89-8	150
EPN	2104-64-5	179
1,2-Epoxybutane (1,2-Butylene oxide)	106-88-7	6,000
Ethanolamine	141-43-5	2,922
Ethion	563-12-2	147
[4]2-Ethoxyethanol (EGEE)	110-80-5	3,280
[4]2-Ethoxyethyl acetate (EGEEA)	111-15-9	6,000
Ethyl acrylate	140-88-5	6,000
Ethylamine (Ethanamine)	75-04-7	6,000
Ethyl amyl ketone	541-85-5	6,000
Ethylbenzene	100-41-4	6,000
Ethyl butyl ketone	106-35-4	6,000
Ethyl chloride (Chloroethane)	75-00-3	6,000
Ethylene chlorohydrin	107-07-3	662
Ethylenediamine	107-15-3	6,000
Ethylene glycol vapor	107-21-1	6,000
Ethylene oxide	75-21-8	12
Ethylene thiourea	96-45-7	125

Air Contaminant Name	CAS Number[1]	Reporting Level (lbs/yr)
Ethylenimine (Aziridine)	151-56-4	368
Ethylidene norbornene	16219-75-3	5,550
N-Ethylmorpholine	100-74-3	6,000
Ethyl silicate	78-10-4	6,000
Fensulfothion	115-90-2	37
Fenthion	55-38-9	73
Fine mineral fibers (includes mineral fiber emissions from facilities manufacturing or processing glass, rock or slag fibers or other mineral derived fibers, of average diameter 1 micrometer or less)	[2]	6,000
Fluorides, (inorganics), as F	[2]	915
[3]Fluorine	7782-41-4	725
Fonofos	944-22-9	37
Formaldehyde	50-00-0	125
Furfural	98-01-1	2,922
Furfuryl alcohol	98-00-0	6,000
[3]Germanium tetrahydride	7782-65-2	221
Glycidol	556-52-5	6,000
Glycol ethers[4][5]	[2]	6,000
[3]Halon-1211 (Bromochlorodifluoromethane)	353-59-3	6,000
[3]Halon-1301 (Bromotrifluoromethane)	75-63-8	6,000
[3]Halon-2402 (Dibromotetrafluoroethane)	124-73-2	6,000
Heptachlor	76-44-8	179
Hexachlorobenzene (HCB)	118-74-1	12
Hexachlorobutadiene	87-68-3	46
Hexachlorocyclopentadiene	77-47-4	37
Hexachloroethane	67-72-1	6,000
Hexachloronaphthalene	1335-87-1	73
Hexamethylene-1,6-diisocyanate (HDI)	822-06-0	6,000
Hexamethyl phosphoramide	680-31-9	125
n-Hexane	110-54-3	6,000
sec-Hexyl acetate	108-84-9	6,000
Hexylene glycol	107-41-5	6,000
Hydrazine and hydrazine sulfate	302-01-2[2]	125
Hydrazobenzene	122-66-7	125
[3]Hydrochlorofluorocarbon-21 (HCFC-21, Dichlorofluoromethane)	75-43-4	6,000
[3]Hydrochlorofluorocarbon-22 (HCFC-22, R-22, Chlorodifluoromethane)	75-45-6	6,000
[3]Hydrochlorofluorocarbon-31 (HCFC-31, R-31, Chlorofluoromethane)	593-70-4	6,000
[3]Hydrochlorofluorocarbon-121 (HCFC-121)	[2]	6,000
[3]Hydrochlorofluorocarbon-122 (HCFC-122)	[2]	6,000
[3]Hydrochlorofluorocarbon-123 (HCFC-123, R-123)	306-83-2[2]	6,000
[3]Hydrochlorofluorocarbon-124 (HCFC-124, R-124)	63938-10-3[2]	6,000
[3]Hydrochlorofluorocarbon-131 (HCFC-131)	[2]	6,000
[3]Hydrochlorofluorocarbon-132b (HCFC-132b)	1649-08-7	6,000
[3]Hydrochlorofluorocarbon-133a (HCFC-133a)	75-88-7	6,000
[3]Hydrochlorofluorocarbon-141b (HCFC-141b, R-141b)		6,000
[3]Hydrochlorofluorocarbon-142b (HCFC-142b, R-142b)	75-68-3	6,000
[3]Hydrochlorofluorocarbon-221 (HCFC-221)	[2]	6,000
[3]Hydrochlorofluorocarbon-222 (HCFC-222)	[2]	6,000
[3]Hydrochlorofluorocarbon-223 (HCFC-223)	[2]	6,000
[3]Hydrochlorofluorocarbon-224 (HCFC-224)	[2]	6,000
[3]Hydrochlorofluorocarbon-225(c)(a) (HCFC-225ca)		6,000
[3]Hydrochlorofluorocarbon-225(c)(b) (HCFC-225cb)		6,000
[3]Hydrochlorofluorocarbon-226 (HCFC-226)	[2]	6,000
[3]Hydrochlorofluorocarbon-231 (HCFC-231)	[2]	6,000
[3]Hydrochlorofluorocarbon-232 (HCFC-232)	[2]	6,000
[3]Hydrochlorofluorocarbon-233 (HCFC-233)	[2]	6,000
[3]Hydrochlorofluorocarbon-234 (HCFC-234)	[2]	6,000
[3]Hydrochlorofluorocarbon-235 (HCFC-235)	[2]	6,000
[3]Hydrochlorofluorocarbon-241 (HCFC-241)	[2]	6,000
[3]Hydrochlorofluorocarbon-242 (HCFC-242)	[2]	6,000

Air Contaminant Name	CAS Number[1]	Reporting Level (lbs/yr)
[3]Hydrochlorofluorocarbon-243 (HCFC-243)	[2]	6,000
[3]Hydrochlorofluorocarbon-244 (HCFC-244)	[2]	6,000
[3]Hydrochlorofluorocarbon-251 (HCFC-251)	[2]	6,000
[3]Hydrochlorofluorocarbon-252 (HCFC-252)	[2]	6,000
[3]Hydrochlorofluorocarbon-253 (HCFC-253)	[2]	6,000
[3]Hydrochlorofluorocarbon-261 (HCFC-261)	[2]	6,000
[3]Hydrochlorofluorocarbon-262 (HCFC-262)	[2]	6,000
[3]Hydrochlorofluorocarbon-271 (HCFC-271)	[2]	6,000
Hydrogenated terphenyls	61788-32-7	1,829
[3]Hydrogen bromide	10035-10-6	2,218
[3]Hydrogen chloride	7647-01-0	1,556
[3]Hydrogen cyanide	74-90-8	2,218
[3]Hydrogen fluoride	7664-39-3	557
[3]Hydrogen peroxide	7722-84-1	547
[3]Hydrogen sulfide	7783-06-4	5,109
Hydroquinone	123-31-9	725
2-Hydroxypropyl acrylate	999-61-1	1,093
Indeno(1,2,3-cd)pyrene	193-39-5	12
Indium	7440-74-6	37
[3]Iodine	7553-56-2	221
Iron dextran complex	9004-66-4	12
Iron salts, soluble, as Fe	[2]	368
Isobutyl alcohol	78-83-1	6,000
Isooctyl alcohol	26952-21-6	6,000
Isophorone	78-59-1	5,550
Isophorone diisocyanate	4098-71-9	33
[4]Isopropoxyethanol	109-59-1	6,000
Isopropylamine	75-31-0	4,373
N-Isopropylaniline	768-52-5	3,648
Isopropyl glycidyl ether	4016-14-2	6,000
Ketene	463-51-4	326
Lead compounds	7439-92-1[2]	6,000
Lindane and other hexachlorocyclohexane isomers	58-89-9[2]	12
Maleic anhydride	108-31-6	368
Manganese, as Mn, dust and compounds	7439-96-5[2]	1,114
Melphalan	148-82-3	12
[3]Mercury alkyl compounds, as Hg	7439-97-6[2]	3.7
[3]Mercury, all forms except alkyl, vapor, as Hg	7439-97-6[2]	18
[3]Mercury aryl & inorganic compounds, as Hg	7439-97-6[2]	37
Mesityl oxide	141-79-7	6,000
Mestranol	72-33-3	12
Methacrylic acid	79-41-4	6,000
Methanol	67-56-1	6,000
Methomyl	16752-77-5	915
Methoxychlor	72-43-5	6,000
[4]2-Methoxyethanol (EGME)	109-86-4	5,834
[4]2-Methoxyethyl acetate (EGMEA)	110-49-6	6,000
4-Methoxyphenol	150-76-5	1,829
Methyl acrylate	96-33-3	6,000
Methylacrylonitrile	126-98-7	1,093
Methylamine	74-89-5	4,373
Methyl n-amyl ketone	110-43-0	6,000
N-Methyl aniline	100-61-8	725
Methyl bromide	74-83-9	6,000
Methyl n-butyl ketone (MBK)	591-78-6	6,000
Methyl chloride	74-87-3	6,000
[3]Methyl chloroform (1,1,1-Trichloroethane, TCA)	71-55-6	6,000
Methyl 2-cyanoacrylate	137-05-3	2,922
Methylcyclohexanol	25639-42-3	6,000
o-Methylcyclohexanone	583-60-8	6,000

Air Contaminant Name	CAS Number[1]	Reporting Level (lbs/yr)
Methyl demeton	8022-00-2	179
4,4'-Methylene bis(2-chloroaniline) (MOCA)	101-14-4	125
Methylene bis(4-cyclohexylisocyanate)	5124-30-1	19
Methylene bisphenyl isocyanate (MDI)	101-68-8	44
[3]Methylene chloride	75-09-2	6,000
4,4'-Methylenedianiline (and dihydrochloride)	101-77-9[2]	125
Methyl ethyl ketone (2-Butanone) (MEK)	78-93-3	6,000
Methyl ethyl ketone peroxide	1338-23-4	336
Methyl formate	107-31-3	6,000
Methyl hydrazine	60-34-4	336
Methyl iodide	74-88-4	125
Methyl isoamyl ketone	110-12-3	6,000
Methyl isobutyl carbinol	108-11-2	6,000
Methyl isobutyl ketone (MIBK)	108-10-1	6,000
Methyl isocyanate	624-83-9	18
Methyl methacrylate	80-62-6	6,000
Methyl parathion	298-00-0	73
α-Methyl styrene	98-83-9	6,000
Methyl tert-butyl ether (MTBE)	1634-04-4	6,000
Mevinphos (Phosdrin)	7786-34-7	37
Molybdenum, as Mo, soluble compounds	7439-98-7[2]	1,829
Monocrotophos	6923-22-4	91
Morpholine	110-91-8	6,000
Mustard gas	505-60-2	12
Naled	300-76-5	1,093
Naphthalene	91-20-3	6,000
2-Naphthylamine	91-59-8	12
Nickel compounds other than nickel subsulfide, as Ni	7440-02-0[2]	125
Nickel subsulfide	12035-72-2	12
Nitric acid	7697-37-2	1,829
p-Nitroaniline	100-01-6	1,093
Nitrobenzene	98-95-3	1,829
4-Nitrobiphenyl	92-93-3	6,000
p-Nitrochlorobenzene	100-00-5	233
Nitroethane	79-24-3	6,000
Nitrogen mustards (2,2'-Dichloro-N-methyldiethylamine)	51-75-2	12
[3]Nitrogen oxides	[2]	10,000
Nitromethane	75-52-5	6,000
4-Nitrophenol	100-02-7	6,000
2-Nitropropane	79-46-9	125
N-Nitrosodi-n-butylamine	924-16-3	12
N-Nitrosodiethanolamine	1116-54-7	12
N-Nitrosodiethylamine	55-18-5	12
N-Nitrosodimethylamine	62-75-9	12
p-Nitrosodiphenylamine	156-10-5	12
N-Nitrosodi-n-propylamine	621-64-7	12
N-Nitroso-N-ethylurea	759-73-9	12
N-Nitroso-N-methylurea	684-93-5	12
N-Nitrosomethylvinylamine	4549-40-0	12
N-Nitrosomorpholine	59-89-2	12
N'-Nitrosonornicotine	16543-55-8	12
N-Nitrosopiperidine	100-75-4	12
N-Nitrosopyrrolidine	930-55-2	12
N-Nitrososarcosine	13256-22-9	12
Nitrotoluene, all isomers	99-08-1[2]	4,016
Octachloronaphthalene	2234-13-1	37
Oestradiol	50-28-2	12
Oxalic acid	144-62-7	368
Oxymetholone	434-07-1	12
Paraquat (respirable sizes)	1910-42-5[2]	37

Air Contaminant Name	CAS Number[1]	Reporting Level (lbs/yr)
Parathion	56-38-2	37
[3]Particulate matter	[2]	10,000
PM_{10}	[2]	10,000
Pentachloronaphthalene	1321-64-8	179
Pentachloronitrobenzene (Quintobenzene) (PCNB)	82-68-8	6,000
Pentachlorophenol	87-86-5	179
[3]Perchloroethylene (Tetrachloroethylene)	127-18-4	6,000
Perchloromethyl mercaptan	594-42-3	294
Phenazopyridine and phenazopyridine hydrochloride	136-40-3[2]	12
Phenol	108-95-2	6,000
Phenothiazine	92-84-2	1,829
p-Phenylenediamine	106-50-3	37
Phenyl ether vapor	101-84-8	2,554
Phenyl glycidyl ether (PGE)	122-60-1	2,186
Phenylhydrazine	100-63-0	3,831
Phenyl mercaptan	108-98-5	725
Phenytoin and sodium salt of phenytoin	57-41-0[2]	12
Phorate	298-02-2	18
Phosgene	75-44-5	147
[3]Phosphine	7803-51-2	147
Phosphoric acid	7664-38-2	368
Phosphorus (yellow)	7723-14-0	37
Phosphorus oxychloride	10025-87-3	221
[3]Phosphorus pentachloride	10026-13-8	368
Phosphorus pentasulfide	1314-80-3	368
[3]Phosphorus trichloride	7719-12-2	547
Phthalic anyhydride	85-44-9	2,186
Pindone	83-26-1	37
Platinum (metal)	7440-06-4	368
Platinum, soluble salts, as Pt	7440-06-4[2]	0.73
Polychlorinated biphenyls (PCB)	1336-36-3	0.050
Potassium hydroxide	1310-58-3	442
Procarbazine and procarbazine hydrochloride	366-70-1[2]	12
1,3-Propane sultone	1120-71-4	125
Propargyl alcohol	107-19-7	725
~~beta~~ β-Propiolactone	57-57-8	125
Propionaldehyde	123-38-6	6,000
Propoxur	114-26-1	179
Propylene dichloride	78-87-5	6,000
Propylene glycol monomethyl ether (PGME)	107-98-2	6,000
Propylene oxide	75-56-9	125
Propylenimine	75-55-8	125
Propylthiouracil	51-52-5	12
Pyrethrum	8003-34-7	1,829
Pyridine	110-86-1	5,477
Quinoline	91-22-5	6,000
Quinone	106-51-4	147
Reserpine	50-55-5	12
Resorcinol	108-46-3	6,000
Rhodium (metal)	7440-16-6	368
Rhodium, soluble compounds, as Rh	7440-16-6[2]	3.7
Rotenone (commercial)	83-79-4	1,829
Selenium and compounds, as Se	7782-49-2[2]	73
[3]Silicon tetrahydride (Silane)	7803-62-5	2,554
Sodium bisulfite	7631-90-5	1,829
Sodium fluoroacetate	62-74-8	18
Sodium hydroxide	1310-73-2	442
[3]Stibine (Antimony hydride)	7803-52-3	179
Stoddard solvent (Mineral spirits)	8052-41-3	6,000
Streptozotocin	18883-66-4	12

Air Contaminant Name	CAS Number[1]	Reporting Level (lbs/yr)
Strychnine	57-24-9	55
Styrene, monomer	100-42-5	6,000
Styrene oxide	96-09-3	6,000
Sulfotep (TEDP)	3689-24-5	73
[3]Sulfur dioxide	7446-09-5	10,000
Sulfuric acid	7664-93-9	368
Sulfur monochloride	10025-67-9	1,335
[3]Sulfur tetrafluoride	7783-60-0	88
[3]Sulfuryl fluoride	2699-79-8	6,000
Tellurium and compounds, as Te	13494-80-9[2]	37
TEPP	107-49-3	18
Terphenyls	26140-60-3	1,114
2,3,7,8-Tetrachlorodibenzo-p-dioxin	1746-01-6	0.00005
1,1,2,2-Tetrachloroethane	79-34-5	2,554
Tetrachloronaphthalene	1335-88-2	725
Tetrahydrofuran	109-99-9	6,000
Thallium, soluble compounds, as Tl	7440-28-0[2]	37
[3]Thionyl chloride	7719-09-7	1,114
Thiourea	62-56-6	125
Thiram	137-26-8	1,829
Tin (metal)	7440-31-5	725
Tin organic compounds, as Sn	7440-31-5[2]	37
Tin oxide & inorganic compounds, except SnH_4, as Sn	7440-31-5[2]	725
Titanium tetrachloride	7550-45-0	6,000
Toluene (Toluol)	108-88-3	6,000
Toluene-2,4-diisocyanate (TDI)	584-84-9	15
m-Toluidine	108-44-1	3,280
o-Toluidine	95-53-4	12
[3]Total reduced sulfur and reduced sulfur compounds	[2]	10,000
Tributyl phosphate	126-73-8	915
1,2,4-Trichlorobenzene	120-82-1	6,000
1,1,2-Trichloroethane	79-00-5	6,000
Trichloroethylene (TCE)	79-01-6	6,000
Trichloronaphthalene	1321-65-9	1,829
2,4,5-Trichlorophenol	95-95-4	6,000
2,4,6-Trichlorophenol	88-06-2	6,000
1,2,3-Trichloropropane	96-18-4	6,000
Triethylamine	121-44-8	6,000
Trifluralin	1582-09-8	6,000
Trimellitic anhydride	552-30-7	15
Trimethyl benzene, mixed isomers	25551-13-7[2]	6,000
2,2,4-Trimethylpentane	540-84-1	6,000
Triorthocresyl phosphate	78-30-8	37
Triphenyl phosphate	115-86-6	1,093
Tris(1-aziridinyl)phosphine sulfide	52-24-4	12
Tungsten - as W, insoluble compounds	7440-33-7[2]	1,829
Tungsten - as W, soluble compounds	7440-33-7[2]	368
Uranium (natural), soluble & insoluble compounds, as U	7440-61-1[2]	73
Urethane (Ethyl carbamate)	51-79-6	125
n-Valeraldehyde	110-62-3	6,000
Vanadium, as V_2O_5, respirable dust and fume	1314-62-1	179
Vinyl acetate	108-05-4	6,000
Vinyl bromide	593-60-2	6,000
Vinyl chloride	75-01-4	150
Vinyl cyclohexene dioxide	106-87-6	6,000
Vinylidene chloride	75-35-4	6,000
Vinyl toluene	25013-15-4	6,000
[3]Volatile organic compounds (Reactive organic gases)[56]	[2]	6,000
Warfarin	81-81-2	37
Xylene, mixed isomers (Xylol)	1330-20-7	6,000

Air Contaminant Name	CAS Number[1]	Reporting Level (lbs/yr)
m-Xylene	108-38-3	6,000
o-Xylene	95-47-6	6,000
p-Xylene	106-42-3	6,000
m-Xylene-α,α'-diamine	1477-55-0	22
Xylidine, mixed isomers	1300-73-8[2]	912
Zirconium and compounds, as Zr	7440-67-7[2]	1,829

[1] Chemical Abstract Service or CAS numbers refer to the unique chemical abstracts service registry number assigned to a specific chemical, isomer or mixture of chemicals or isomers and recorded in the CAS chemical registry system by the Chemical Abstracts Service, PO Box 3012, Columbus OH 43210, phone 1-800-848-5638 ext. 2308.

[2] Indicates contaminants for which multiple CAS numbers may apply. For contaminants listed as a metal and its compounds, the given CAS number refers to the metal.

[3] Indicates contaminants for which a fee will be assessed under s. NR 410.04.

[4] Indicates compounds included in the glycol ethers group. These are included in the glycol ethers emission total reported along with the many other such compounds not listed individually by name.

~~[4]~~[5] Glycol ethers means any compound which can be described by the following chemical formula: $R(OCH_2CH_2)_n-OR'$

where:
n = 1, 2, or 3
R = alkyl C7 or less or R = phenyl or alkyl substituted phenyl
R' = H or alkyl C7 or less or
OR' = ester, sulfate, phosphate, nitrate or sulfonate (i.e. any group that will readily come off).

~~[5]~~[6] Organic compounds which are not volatile organic compounds because of negligible photochemical reactivity are specified in s. NR 400.02~~(100)~~ (162).

SECTION 90. NR 438.03(5)(a) is amended to read:

NR 438.03(5)(a) Based on the throughput or emissions information submitted pursuant to ss. NR 438.03 and 438.04, the department shall determine each facility's annual actual emissions and typical ozone season day emissions based on emission factors contained in Compilation of Air Pollutant Emission Factors, AP-42, Volume 1: Stationary Point and Area Sources, USEPA-OAQPS, January 1995, ~~or Toxic Air Pollutant Emission Factors – A Compilation for Selected Air Toxic Compounds and Sources, Second Edition, USEPA-OAQPS, October 1990, both~~ as incorporated by reference in s. NR 484.05, or in the FIRE database, USEPA-OAQPS, incorporated by reference in s. NR 484.06. Other emission factors or methods, including, but not limited to, mass balance or other use reporting, consumption and analytical methodologies, or continuous emissions monitoring data, if applicable, may be used by the department.

SECTION 91. NR 439.02(7) is repealed.

SECTION 92. NR 439.06(3)(intro.) and (h) are amended to read:

NR 439.06(3)(intro.) ORGANIC COMPOUND EMISSIONS. The owner or operator of a source shall use the test methods and procedures listed in this subsection to determine compliance with an organic compound emission limitation. If a test method inadvertently measures compounds which are listed in s. NR 400.02~~(100)~~ (162) as having negligible photochemical reactivity, the owner or operator may exclude these compounds when determining compliance with a VOC emission limit if the amount of these compounds is accurately quantified and the exclusion is approved by the department. As a precondition to excluding these compounds as VOC or at any subsequent time, the department may require an owner or operator to provide monitoring or testing methods and results demonstrating, to the satisfaction of the department, the amount of negligibly reactive compounds in the source's emissions. Unless a source achieves compliance through an averaging method specifically authorized by the department, organic compound emission limitations in chs. 419 to 424 shall be achieved on an instantaneous basis.

(h) Compounds identified in s. NR 400.02~~(100)~~ (162) as having negligible photochemical reactivity shall be treated as water to determine compliance with emission limitations which refer to water.

SECTION 93. NR 439.07(1) and (4) are amended to read:

NR 439.07(1) GENERAL. All emission tests conducted for the purpose of determining compliance with an emission limitation under chs. NR 400 to 499 shall be performed according to the test methods established in 40 CFR part 60, Appendix A, 40 CFR part 61, Appendix B, and 40 CFR part 63, Appendix A, incorporated by reference in s. NR 484.04, or according to other test methods approved in writing by the department. The owner, operator or contractor responsible for emission testing shall follow the procedures in this section. Unless the department requires or approves the performance of a test at less than capacity, all compliance emission tests shall be performed with the equipment operating at capacity or as close to capacity as practicable.

(4) NOTIFICATION OF TEST PLAN REVISION. The source owner or operator shall notify the department of any modifications to the test plan at least 5 business days prior to the test. In the event the owner or operator is unable to conduct the compliance emission test on the date specified in the test plan, due to unforeseeable circumstances beyond the owner or operator's control, the owner or operator shall notify the department ~~within~~ at least 5 business days prior to the scheduled compliance emission test date and specify the date when the test is rescheduled.

SECTION 94. NR 439.08(1)(a), (d) and (f) and (2)(a) and (b) are amended to read:

NR 439.08(1)(a) *Coal sampling.* Coal sampling shall be performed according to ASTM ~~D2234-89~~

D2234-96, Standard Test Method for Collection of a Gross Sample of Coal, incorporated by reference in s. NR 484.10.

(d) *Heat content in coal.* The heat content of a coal sample shall be determined according to ASTM ~~D1989-93~~ D1989-96, Standard Test Method for Gross Calorific Value of Coal and Coke by Microprocessor Controlled Isoperibol Calorimeters, or ASTM ~~D2015-94~~ D2015-96, Standard Test Method for Gross Calorific Value of Coal and Coke by the Adiabatic Bomb Calorimeter, both incorporated by reference in s. NR 484.10.

(f) *Moisture content in coal.* The moisture content of a coal sample shall be determined according to ASTM D3173-87 ~~(1992)~~ (1996), Standard Test Method for Moisture in the Analysis Sample of Coal and Coke, incorporated by reference in s. NR 484.10.

(2)(a) *Liquid fossil fuel sampling.* Liquid fossil fuel sampling shall be performed according to ASTM ~~D4057-88~~ D4057-95, Standard Practice for Manual Sampling of Petroleum and Petroleum Products, or ASTM ~~D4177-82 (1990)~~ D4177-95, Standard Practice for Automatic Sampling of Petroleum and Petroleum Products, both incorporated by reference in s. NR 484.10.

(b) *Sulfur content in liquid fossil fuel.* The sulfur content of a liquid fossil fuel sample shall be determined according to ASTM ~~D129-91~~ D129-95, Standard Test Method for Sulfur in Petroleum Products (General Bomb Method), ASTM ~~D1552-90~~ D1552-95, Standard Test Method for Sulfur in Petroleum Products (High-Temperature Method), or ASTM D4294-90, Standard Test Method for Sulfur in Petroleum Products by Energy-Dispersive X-ray Fluorescence Spectroscopy, all incorporated by reference in s. NR 484.10.

SECTION 95. NR 439.085(2)(a)1., (b)1. and (c)1. are amended to read:

NR 439.085(2)(a)1. Perform coal sampling, using the procedures in ASTM ~~D2234-89~~ D2234-96, incorporated by reference in s. NR 484.10, which result in data at least as reliable as classification I-B-1, defined in ASTM ~~D2234-89~~ D2234-96 as automatic sampling — full stream cut — systematic spacing, and analyze these samples for ash content, sulfur content and heat content according to the applicable methods and procedures in s. NR 439.08(1).

(b)1. Perform coal sampling using the procedures in ASTM ~~D2234-89~~ D2234-96, which result in data at least as reliable as classification I-C-2, defined in ASTM ~~D2234-89~~ D2234-96 as automatic sampling — part stream cut — random spacing, and analyze these samples for ash content, sulfur content and heat content according to the applicable methods and procedures in s. NR 439.08(1).

(c)1. Perform coal sampling using the procedures in ASTM ~~D2234-89~~ D2234-96, which result in data at least as reliable as classification II-D-2, defined in ASTM ~~D2234-89~~ D2234-96 as manual sampling — stationary coal sampling — random spacing, and analyze these samples for ash content,

sulfur content and heat content according to the applicable methods and procedures in s. NR 439.08(1).

SECTION 96. NR 440.285(2)(k) is amended to read:

NR 440.285(2)(k) "Volatile organic liquid" or "VOL" means any organic liquid which can emit organic compounds except those VOLs that emit only those compounds which are excluded by name from the definition of volatile organic compound in s. NR 400.02~~(100)~~ (162).

SECTION 97. NR 440.675(2)(a)(intro.) and 1. to 18. are renumbered 440.675(2)(intro.) and (a) to (r) and 440.675(2)(p), as renumbered, is amended to read:

NR 440.675(2)(p) "Total organic compounds" or "TOC" means those compounds measured according to the procedures in sub. (5)(b)4. For the purposes of measuring molar composition as required in sub. (5)(d)3. a., hourly emissions rate as required in sub. (5)(d) 6. and (e), and TOC concentration as required in sub. (6)(b)4. and (g)4., those ~~compound~~ compounds which the department has determined do not contribute appreciably to the formation of ozone are to be excluded. The compounds to be excluded are identified in s. NR 400.02~~(100)~~ (162).

SECTION 98. NR 440.686(2)(a)(intro.) and 1. to 18. are renumbered 440.686(2)(intro.) and (a) to (r) and 440.686(2)(p), as renumbered, is amended to read:

NR 440.686(2)(p) "Total organic compounds" or "TOC" means those compounds measured according to the procedures in sub. (5)(b)4. For the purposes of measuring molar composition as required in sub. (5)(d)2. a.~~;~~, hourly ~~emission~~ emissions rate as required in sub. (5)(d)5. and (e)~~;~~, and TOC concentration as required in sub. (6)(b)4. and (g)4., those compounds which the department has determined do not contribute appreciably to the formation of ozone are to be excluded. The compounds to be excluded are identified in s. NR 400.02~~(100)~~ (162).

SECTION 99. NR 445.02(intro.) and (1) are amended to read:

NR 445.02 DEFINITIONS. The definitions contained in ch. NR 400 apply to the terms used in this chapter. In addition, the following definitions apply to the terms used in this chapter and in chs. NR 446 to ~~468~~ 469:

(1) "Approved material safety data sheet" means a material safety data sheet which meets the reporting requirements of the superfund amendments reauthorization act of 1986 (42 USC 9671 to 9675) or regulations of the occupational safety and health administration under 29 CFR 1910.1200(g), as in effect on January 1, ~~1997~~ 1998.

SECTION 100. NR 445.03 is amended to read:

NR 445.03 GENERAL LIMITATIONS. No person may cause, allow or permit emissions into the ambient air of any hazardous substance in ~~such~~ a quantity, concentration or duration ~~as to be~~ which is injurious to human health, plant or animal life unless the purpose of that emission is for the control of plant or animal life. Hazardous substances include but are not limited to hazardous air contaminants listed in Tables 1 to 4 5 of s. NR 445.04.

SECTION 101. NR 445.05(1)(a)(intro.) and 1., (4)(a)(intro.) and 1., (6)(a)1.(intro.), a. and b., 2.(intro.), a. and b., 3.(intro.), a. and b., (b)(intro.), 1., 1m., and 2., (d)3., (f)3.(intro.) and a., (g)(intro.), 1., 1m. and 2. and (7)(b)(intro.), 1. and 2. are amended to read:

NR 445.05(1)(a)(intro.) *24-hour.* One of the following:

1. Two and four-tenths percent of the threshold limit value - time weighted average established by the American conference of governmental industrial hygienists in the threshold limit values and biological exposure indices for 1987-1988, incorporated by reference in s. NR 484.11, for any consecutive 24-hour averaging period~~; or~~.

(4)(a)(intro.) *24-hour.* One of the following:

1. Two and four-tenths percent of the threshold limit value - time weighted average established by the American conference of governmental industrial hygienists in the threshold limit values and biological exposure indices for 1990-1991, incorporated by reference in s. NR 484.11, for any consecutive 24-hour averaging period~~; or~~.

(6)(a)1.(intro.) Except as provided for in par. (am), the owner or operator of any facility whose actual emissions of volatile organic compounds or particulate matter for calendar year 1986 exceeded 100 tons shall do all of the following:

a. Notify the department's bureau of air management in writing by January 1, 1989 which of the hazardous air contaminants in Tables 1 to 3 of s. NR 445.04 the source is capable of emitting and the allowable emissions of each hazardous air contaminant in the tables by the source~~;~~.

b. Submit to the department by April 1, 1989 a compliance plan for achieving compliance with subs. (1) to (3)~~; and~~.

2.(intro.) Except as provided for in par. (am), the owner or operator of any facility whose actual emissions for calendar year 1986 of volatile organic compounds and of particulate matter were less than 100 tons for each of the 2 air contaminants, but whose annual allowable emissions of any air contaminant for which an ambient air quality standard has been promulgated under section 109 of the act (42 USC 7409) exceeds 100 tons, shall do all of the following:

a. Notify the department's bureau of air management in writing by June 1, 1989 which of the

hazardous air contaminants in Tables 1 to 3 of s. NR 445.04 the source is capable of emitting and the allowable emissions of each substance in the tables by the source~~;~~.

b. Submit to the department by October 1, 1989 a compliance plan for achieving compliance with subs. (1) to (3)~~; and~~.

3.(intro.) Except as provided for in par. (am), the owner or operator of any facility whose annual allowable emissions of each air contaminant for which an ambient air quality standard has been promulgated under section 109 of the act (42 USC 7409) is 100 tons or less shall do all of the following:

a. Notify the department's bureau of air management in writing by December 1, 1989 which of the hazardous air contaminants in Tables 1 to 3 of s. NR 445.04 the source is capable of emitting and the allowable emissions of each substance in the tables by the source~~;~~.

b. Submit to the department by April 1, 1990 a compliance plan for achieving compliance with subs. (1) to (3)~~; and~~.

(b)(intro.) *Compliance schedule for Table 4.* The owner or operator of any source subject to sub. (4) shall do all of the following:

1. Notify the department's bureau of air management in writing by April 1, 1990 which of the hazardous air contaminants in Table 4 of s. NR 445.04 the source is capable of emitting and the allowable emissions of each hazardous air contaminant in the table by the source~~;~~.

1m. Notify the department's bureau of air management in writing by January 1, 1992 which of diisobutyl ketone, methylene bis(4-cyclohexylisocyanate), p-nitrochlorobenzene and xylidine the source is capable of emitting and the allowable emissions of each substance by the source~~;~~.

2. Submit to the department by April 1, 1992 a compliance plan for achieving compliance with sub. (4)~~; and~~.

(d)3. The owner or operator of a source is not required to consider indoor fugitive emissions in calculating emissions of any hazardous air contaminant in Table 1, 2 or 4 of s. NR 445.04.

(f)3.(intro.) Notwithstanding the compliance deadlines in pars. (a)1. c., 2. c., 3. c., (am)3. and (bm)4., if the department is required to review a source's compliance plan under par. (c), the source shall achieve final compliance with subs. (1) to (3) and (4r) by one of the following deadlines:

a. Within 12 months after the department completes its review of the source's compliance plan under par. (c), if compliance consists of measures other than installation of emission control equipment~~; or~~.

(g)(intro.) *Compliance schedule for wastewater treatment facilities.* The owner or operator of any wastewater treatment facility shall do all of the following:

1. Notify the department's bureau of air management in writing by December 1, 1989 which of the

hazardous air contaminants in Tables 1, 3 and 4 of s. NR 445.04 the source is capable of emitting and the allowable emissions of each hazardous air contaminant in the table by the source~~;~~.

1m. Notify the department's bureau of air management in writing by January 1, 1992 which of diisobutyl ketone, methylene bis(4-cyclohexylisocyanate), p-nitrochlorobenzene and xylidine the source is capable of emitting and the allowable emissions of each substance by the source~~;~~.

2. Submit to the department by April 1, 1992 a compliance plan for achieving compliance with subs. (1), (3), and (4)~~; and~~.

(7)(b)(intro.) The owner or operator of any source subject to sub. (3) which emits chloroform or formaldehyde in amounts greater than those listed in Group B of Table 3 of s. NR 445.04 for chloroform or formaldehyde shall do all of the following:

1. Notify the department's bureau of air management in writing by December 1, 1989 that the source is capable of emitting chloroform or formaldehyde and the allowable emission of chloroform or formaldehyde by the source~~;~~.

2. Submit to the department by April 1, 1992 a compliance plan for achieving compliance with the emission limits under sub. (3) for chloroform and formaldehyde~~; and~~.

SECTION 102. NR 445.08 is amended to read:

NR 445.08 NOTICE OF HAZARDOUS SUBSTANCE AIR SPILLS. Persons possessing or controlling a hazardous substance shall immediately notify the department of any hazardous emission not in conformity with a permit or allowed by the department under chs. NR 400 to 499. Notice shall be given as required by s. 292.11, Stats., and ch. NR ~~158~~ 706.

SECTION 103. NR 446.01(2) Note is created to read:

NR 446.01(2) Note: Except for s. NR 446.03(1), this chapter is based on the federal regulations contained in 40 CFR part 61, Subpart E.

SECTION 104. NR 446.04(3)(d) Note is amended to read:

NR 446.04(3)(d) Note: A list of approved practices is provided in appendix A of "Review of National Emission Standards for Mercury," EPA-450/3-84-014a, December 1984, incorporated by reference in s. NR 484.05.

SECTION 105. NR 446.05(2)(a), (3)(intro.) and (b) are amended to read:

NR 446.05(2)(a) Perform a mercury emission test that demonstrates compliance with the emission limits in s. NR 446.03(2) on the hydrogen stream by Method 102 and on the end-box stream by Method 101 for the purpose of establishing limits for parameters to be monitored, within one year after June 1, 1994 or within one year of startup for a plant with initial startup after February 1, 1984.

(3)(intro.) The owner or operator of a facility subject to sub. (2) may develop and submit for the department's approval a plant-specific monitoring plan as an alternative to the monitoring, recordkeeping and reporting requirements of sub. (2)(a) to (g). Approval of an alternative plan shall ensure compliance with the emission limits of s. NR 446.03~~(1)~~(2), and proper operation and maintenance of emissions control systems. Any site-specific monitoring plan shall, at a minimum, include all of the following:

(b) Identification of the maximum or minimum value of each parameter that is not to be exceeded. The levels shall be directly correlated to the results of a performance test, conducted no more than 180 days prior to submittal of the plan, when the facility was in compliance with the emission limits of s. NR 446.03~~(1)~~(2).

SECTION 106. NR 447.01(2) Note is created to read:

NR 447.01(2) Note: This chapter is based on the federal regulations contained in 40 CFR part 61, Subpart M.

SECTION 107. NR 447.02(3) is amended to read:

NR 447.02(3) "Adequately wet" means sufficiently mix or penetrate with liquid to prevent the release of particulates. If visible emissions are observed coming from asbestos-containing material, then that material has not been adequately wetted. However, the absence of visible emissions is not sufficient evidence of being adequately wet.

SECTION 108. NR 447.02(3)Note is repealed.

SECTION 109. NR 447.08(2)(a), (3)(a)1., (4)(intro.) and (a) and (6)(a) are amended to read:

NR 447.08(2)(a) Adequately wet all RACM exposed during cutting or disjoining operations~~.~~; and

(3)(a)1. The owner or operator has obtained prior written approval from the department based on a written application that wetting to comply with this subsection would unavoidably damage equipment or present a safety hazard~~.~~; and

(4)(intro.) After a facility component covered with, coated with or containing RACM has been taken out of the facility as a unit or in sections pursuant to sub. (2), it shall be stripped or contained in leak-tight wrapping, except as described in sub. (5). If stripped, either:

(a) Adequately wet the RACM during stripping~~.~~; or

(6)(a) Adequately wet the material and ensure that it remains wet until collected and contained or treated in preparation for disposal in accordance with s. NR 447.13~~.~~; and

SECTION 110. NR 447.13(1)(a)4. is amended to read:

NR 447.13(1)(a)4. Label the containers or wrapped materials specified in subd. 3. using warning labels specified by occupational safety and health standards of the U.S. department of labor, occupational safety and health administration (OSHA) under 29 CFR 1910.1001(j)(2) or 1926.58(k)(2)(iii), incorporated by reference in s. NR 484.03. The labels shall be printed in letters of sufficient size and contrast so as to be readily visible and legible.

SECTION 111. NR 447.15(1)(a)1. is amended to read:

NR 447.15(1)(a)1. Ensuring that the airflow permeability, as determined by ASTM Method ~~D737-75~~ D737-96, incorporated by reference in s. NR 484.10, does not exceed 9 $m^3/min/m^2$ (30 $ft^3/min/ft^2$) for woven fabrics or 11 $m^3/min/m^2$ (35 $ft^3/min/ft^2$) for felted fabrics, except that 12 $m^3/min/m^2$ (40 $ft^3/min/ft^2$) for woven and 14 $m^3/min/m^2$ (45 $ft^3/min/ft^2$) for felted fabrics is allowed for filtering air from asbestos ore dryers.

SECTION 112. NR 447.16(2) is amended to read:

NR 447.16(2) The information required by sub. (1) shall accompany the information required by 40 CFR 61.10 as in effect on January 1, ~~1997~~ 1998. Active waste disposal sites subject to s. NR 447.17 shall also comply with this provision. Roadways, demolition and renovation, spraying~~,~~ and insulating materials are exempted from the requirements of 40 CFR 61.10(a). The information described in this section shall be reported using the format of Appendix A of 40 CFR part 61, incorporated by reference in s. NR 484.04, as a guide.

SECTION 113. NR 448.01(2) Note is created to read:

NR 448.01(2) Note: This chapter is based on the federal regulations contained in 40 CFR part 61, Subparts C and D.

SECTION 114. NR 448.03(1)(b) and (2) are amended to read:

NR 448.03(1)(b) Machine shops which process beryllium, beryllium oxides or any alloy when ~~such~~ the alloy contains more than ~~5%~~ 5.0% beryllium by weight.

(2) The burning of beryllium ~~and/or~~ or beryllium-containing waste, except propellants, is prohibited except in incinerators, emissions from which must comply with sub. (1).

SECTION 115. NR 448.04(4)(a)(intro.) is amended to read:

NR 448.04(4)(a)(intro.) Sources subject to sub. (3) shall be continuously sampled during the release of combustion products from the tank so that compliance with the standards can be determined. The tests shall be conducted in accordance with: Method 103 or Method 104 of 40 CFR part 61, Appendix B, incorporated by reference in s. NR 484.04.

SECTION 116. NR 448.04(4)(a)1. and 2. are repealed.

SECTION 117. NR 449.01(2) Note is created to read:

NR 449.01(2) Note: This chapter is based on the federal regulations contained in 40 CFR part 61, Subpart F.

SECTION 118. NR 449.07(2)(h)3.(intro.) and a. are amended to read:

NR 449.07(2)(h)3.(intro.) It provides for an acceptable calibration and maintenance schedule for the vinyl chloride monitoring system and portable hydrocarbon detector. For the vinyl chloride monitoring system, a daily span check shall be conducted with a concentration of vinyl chloride equal to the concentration defined as a leak according to subd. 6. The calibration shall be done with either one of the following:

a. A calibration gas mixture prepared from the gases specified in section 5.2.1 and 5.2.2 and in accordance with section 7.1 of Method 106 of 40 CFR part 61, Appendix B, incorporated by reference in s. NR 484.04~~, or~~.

SECTION 119. NR 460.01(2) is amended to read:

NR 460.01(2) PURPOSE. Chapters NR 460 to 469 are adopted to enable the department to implement and enforce standards for stationary sources promulgated by EPA under section 112 of the act (42 USC 7412), as required by ss. 285.27(2) and 285.65, Stats. This chapter ~~establishes~~ is adopted under ss. 285.11, 285.13 and 285.17, Stats., to establish general provisions for notification, recordkeeping, monitoring and reporting requirements for sources of hazardous air contaminants.

SECTION 120. NR 460.10(2)(f) is amended to read:

NR 460.10(2)(f) Flares shall be used only with the net heating value of the gas being combusted at 11.2 MJ/scm (300 Btu/scf) or greater if the flare is steam-assisted or air-assisted; or with the net heating value of the gas being combusted at 7.45 MJ/scm (200 Btu/scf) or greater if the flare is non-assisted. The net heating value of the gas being combusted in a flare shall be calculated using the following equation:

$$H_T = K \sum_{i=1}^{n} C_i H_i$$

where:

H_T is the net heating value of the sample, MJ/scm; where the net enthalpy per mole of offgas is based on combustion at 25°C and 760 mm Hg, but the standard temperature for determining the volume corresponding to one mole is 20°C

K is a constant

$$1.740 \times 10^{-7} \left[\frac{1}{ppmv}\right]\left[\frac{g\text{-}mole}{scm}\right]\left[\frac{MJ}{kcal}\right]$$

where the standard temperature for (g-mole/scm) is 20°C

C_i is the concentration of sample component i in ppmv on a wet basis, as measured for organics by Method 18 in Appendix A of 40 CFR part 60, incorporated by reference in s. NR 484.04, and measured for hydrogen and carbon monoxide by ASTM D1946-90, incorporated by reference in s. NR 484.10

H_i is the net heat of combustion of sample component i, kcal/g-mole at 25°C and 760 mm Hg. The heats of combustion may be determined using ASTM ~~D2382-88~~ D4809-95, incorporated by reference in s. NR 484.10, if published values are not available or cannot be calculated.

n is the number of sample components

SECTION 121. NR 460 Appendix T is amended to read:

Chapter NR 460

Appendix T

General Provisions Applicability to Chapter NR 469

The general provisions of this chapter listed in the Reference column apply to batch cold cleaning machines or batch vapor and in-line cleaning machines regulated under ch. NR 469 only if a Yes appears in the same row in the BCC or BVI column, respectively. Certain provisions in other chapters which correspond to federal provisions in 40 CFR part 63 Subpart A are also included in the Reference column.

Reference	Applies to Chapter NR 469? BCC[1]	BVI[2]	Comment
NR 2.19 and 2.195	Yes	Yes	
NR 406	Yes	Yes	Section NR 469.12(1) requires owners or operators who plan to construct or reconstruct a halogenated HAP solvent cleaning machine to submit an initial notification report, and specifies that that report be part of and incorporated into the application required under either s. NR 406.03 or 407.04(1)(b)3., whichever is

Appendix T (continued)
General Provisions Applicability to Chapter NR 469

Reference	Applies to Chapter NR 469? BCC[1]	BVI[2]	Comment
			appropriate.
NR 407.04(1)(b)3.	Yes	Yes	See comment above.
NR 460.01	Yes	Yes	This appendix specifies applicability of each paragraph in ch. NR 460 and other rules to ch. NR 469. Chapter NR 469 allows submittal of notifications and reports through the U.S. mail, fax and courier. Chapter NR 469 requires that the postmark for notifications and reports submitted through the U.S. mail or other non-governmental mail carriers be on or before deadline specified in an applicable requirement. Section NR 469.01(1) further specifies applicability. Chapter NR 469 requires that a record of halogenated solvent cleaning machine applicability determination be kept on site for 5 years, or until the cleaning machine changes its operations. The record shall be sufficiently detailed to allow the department to make a finding about the source's applicability status with regard to ch. NR 469. Chapter NR 469 does not require continuous monitoring systems (CMS) or continuous opacity monitoring systems. Therefore, notifications and requirements for CMS and COMS specified in ch. NR 460 do not apply to ch. NR 469. The definition of administrator in s. NR 400.02 applies to chs. NR 460 to 469.
NR 460.02	Yes	Yes	Section NR 469.02(17) and (30) definitions for existing and new overlap with the definitions for existing source and new source in s. NR 460.02(20) and (25).
NR 460.03	Yes	Yes	
NR 460.04(1)(a) to (c)	Yes	Yes	
NR 460.04(1)(d)	Yes	Yes	
NR 460.04(2)	Yes	Yes	
NR 460.05(1)	Yes	Yes	
NR 460.05(2)(a) to (e)	Yes	Yes	Section NR 469.01(1) specifies compliance dates.
NR 460.05(2)(f)	No	No	Chapter NR 469 has the same requirements for affected halogenated HAP solvent cleaning machine subcategories that are located at area sources as it does for those located at major sources.
NR 460.05(3)(a) to (b)	Yes	Yes	
NR 460.05(3)(c)5.	Yes	Yes	Chapter NR 469 has the same requirements for affected halogenated HAP solvent cleaning machine subcategories that are located at area sources as it does for those located at major sources.
NR 460.05(4)(a) to (b)	Yes	Yes	

Appendix T (continued)
General Provisions Applicability to Chapter NR 469

Reference	Applies to Chapter NR 469? BCC[1]	BVI[2]	Comment
NR 460.05(4)(c)	No	No	Chapter NR 469 overrides the requirement of a startup, shutdown and malfunction plan. Sections NR 469.05(6) and (7) specify startup and shutdown procedures to be followed by an owner or operator for batch vapor and in-line cleaning machines.
NR 460.05(5)	Yes	Yes	
NR 460.05(6)	No	No	Chapter NR 469 does not require compliance with an opacity or visible emission standard.
NR 460.05(7)	Yes	Yes	
NR 460.06(1)	No	Yes	Chapter NR 469 gives owners or operators the option to perform an idling emission performance test as a way of demonstrating compliance. Other options are also available that do not require a performance test.
NR 460.06(2)	No	Yes	This is only required for those owners or operators that choose the idling emission standard as their compliance option. Chapter NR 469 does not require a site-specific test plan for the idling emission performance test. Chapter NR 469 does not require a performance test that involves the retrieval of gas samples, and therefore this does not apply.
NR 460.06(3)	No	No	Requirements do not apply to the idling emission performance test option.
NR 460.06(4)	No	Yes	
NR 460.06(5)	No	Yes	
NR 460.06(6)	No	Yes	Chapter NR 469 specifies what is required to demonstrate idling emission standard compliance through the use of Method 307 in Appendix A of 40 CFR part 63, incorporated by reference in s. NR 484.04, and control device monitoring. Reports and records of testing and monitoring are required for compliance verification. Three runs of the test are required for compliance, as specified in s. NR 460.06(4).
NR 460.06(7)	No	No	Chapter NR 469 does not require the use of a performance test to comply with the standard. The idling emission standard option, which requires an idling emission performance test, is an alternative option offered to owners or operators of batch vapor and in-line cleaning machines for compliance flexibility.
NR 460.07(1) to (2)	Yes	Yes	
NR 460.07(3) to (5)	No	No	Chapter NR 469 does not require the use of continuous monitoring systems to demonstrate compliance.
NR 460.07(6)	Yes	Yes	

Appendix T (continued)
General Provisions Applicability to Chapter NR 469

Reference	Applies to Chapter NR 469? BCC[1]	BVI[2]	Comment
NR 460.07(7)	No	No	Chapter NR 469 does not require continuous opacity monitoring systems and continuous monitoring systems data.
NR 460.08(1)	Yes	Yes	
NR 460.08(2)(a)	Yes	Yes	
NR 460.08(2)(b)	Yes	Yes	Chapter NR 469 includes all of those requirements stated in ch. NR 460, except that ch. NR 460 also requires a statement as to whether the affected source is a major or an area source, and an identification of the relevant standard, including the source's compliance date. Chapter NR 469 also has some more specific information requirements specific to the affected source (see s. NR 469.12(1)).
NR 460.08(2)(c)	Yes	Yes	Chapter NR 460 and ch. NR 469 initial notification reports differ (see comment to NR 460.08(2)(b)).
NR 460.08(2)(d)	No	No	Chapter NR 469 does not require an application for approval of construction or reconstruction.
NR 460.08(2)(e)	Yes	Yes	
NR 460.08(3)	Yes	Yes	
NR 460.08(4)	Yes	Yes	
NR 460.08(5)	Yes	Yes	Under ch. NR 469, this requirement only applies to owners or operators choosing to comply with the idling emissions standard.
NR 460.08(6)	No	No	Chapter NR 469 does not require opacity or visible emission observations.
NR 460.08(7)(a)	No	No	Chapter NR 469 does not require the use of continuous monitoring systems or continuous opacity monitoring systems.
NR 460.08(8)	No	No	Section NR 469.12 requires an initial statement of compliance for existing sources to be submitted to the department no later than 150 days after the compliance date specified in s. NR 469.01(1)(d). For new sources, this report is to be submitted to the department no later than 150 days from the date specified in s. NR 469.01(1)(c).
NR 460.08(9)	Yes	Yes	
NR 460.08(10)	Yes	Yes	
NR 460.09(1)	Yes	Yes	
NR 460.09(2)	No	No	Recordkeeping requirements are specified in s. NR 469.11.

Appendix T (continued)
General Provisions Applicability to Chapter NR 469

Reference	Applies to Chapter NR 469? BCC[1]	BVI[2]	Comment
NR 460.09(3)	No	No	Chapter NR 469 does not require continuous monitoring systems.
NR 460.09(4)(a)	Yes	Yes	
NR 460.09(4)(b)	No	No	Reporting requirements are specified in s. NR 469.12.
NR 460.09(5)(a) to (b)	No	No	Chapter NR 469 does not require continuous emissions monitoring systems.
NR 460.09(5)(c)	No	No	Chapter NR 469 does not require continuous monitoring systems.
NR 460.09(5)(d)	No	No	Chapter NR 469 does not require continuous opacity monitoring systems.
NR 460.09(6)	Yes	Yes	
NR 460.10(1)	Yes	Yes	
NR 460.10(2)	No	No	Flares are not a control option under ch. NR 469.
~~NR 484.04~~	~~No~~	~~No~~	~~Chapter NR 469 requirements do not require the use of the test methods incorporated by reference in ch. NR 460.~~

[1]Batch cold cleaning machines.
[2]Batch vapor and in-line cleaning machines.

SECTION 122. NR 463.12(5)(b)(intro.) is amended to read:

NR 463.12(5)(b)(intro.) Each time a notification of compliance status is required under this subsection, the owner or operator of an affected source shall submit to the department a notification of compliance status, signed by the responsible official, as defined in s. NR 400.02~~(80e)~~ (136), who shall certify its accuracy, attesting to whether the affected source has complied with this chapter. The notification shall list for each affected source the following:

SECTION 123. NR 468.20(1)(g), (2)(mm)(intro.), 1. and 2., (r)1. and 2., (3)(a)3., (b)(intro.), 1. and 2., (e)(intro.), 1. and 2., (f), (g) and (h), (4)(b)(intro.), 1. and 2. and (c)(intro.), 1. and 2., (5)(b)(intro.), 1., 2., 3., 4. and 5., (c)(intro.), 1. and 2. are amended to read:

NR 468.20(1)(g) A dry cleaning facility is a major source if the facility emits or has the potential to emit more than 9.1 megagrams per year (10 tons per year) of perchloroethylene to the atmosphere. In lieu of measuring or determining a facility's potential to emit perchloroethylene emissions, a dry cleaning facility is a major source ~~if~~ in either of the following cases:

1. ~~It~~ If it includes only dry-to-dry machines and has a total yearly perchloroethylene

consumption greater than 8,000 liters (2,100 gallons) as determined according to sub. (4)(d)~~; or~~.

2. ~~It~~ If it includes only transfer machine systems or both dry-to-dry machines and transfer machine systems and has a total yearly perchloroethylene consumption greater than 6,800 liters (1,800 gallons) as determined according to sub. (4)(d).

(2)(mm)(intro.) "Perceptible leaks" mean any perchloroethylene vapor or liquid leaks that are obvious from any of the following:

1. The odor of perchloroethylene~~;~~.

2. Visual observation, such as pools or droplets of liquid~~; or~~.

(r)1. A washer and dryers~~;~~.

2. A washer and reclaimers~~, or~~.

(3)(a)3. Contain the dry cleaning machine inside a room enclosure if the dry cleaning machine is a transfer machine system located at a major source. Each room enclosure shall be~~:~~

~~a. Constructed~~ constructed of materials impermeable to perchloroethylene~~;~~ and

~~b. Designed~~ designed and operated to maintain a negative pressure at each opening at all times that the machine is operating.

(b)(intro.) The owner or operator of each new dry cleaning system shall do all of the following:

1. Route the air-perchloroethylene gas-vapor stream contained within each dry cleaning machine through a refrigerated condenser or an equivalent control device~~;~~.

2. Eliminate any emission of perchloroethylene during the transfer of articles between the washer and dryers~~; and~~.

(e)(intro.) Each refrigerated condenser used for the purposes of complying with par. (a) or (b) and installed on a dry-to-dry machine, dryer or reclaimer shall be all of the following:

1. Operated to not vent or release the air-perchloroethylene gas-vapor stream contained within the dry cleaning machine to the atmosphere while the dry cleaning machine drum is rotating~~;~~.

2. Monitored according to sub. (4)(a)1.~~; and~~

(f) Each refrigerated condenser used for the purpose of complying with par. (a) and installed on a washer shall comply with all of the following requirements:

1. ~~Shall~~ It shall be operated to not vent the air-perchloroethylene gas-vapor contained within the washer to the atmosphere until the washer door is opened~~;~~.

2. ~~Shall~~ It shall be monitored according to sub. (4)(a)2.~~; and~~

3. ~~Shall~~ It may not use the same refrigerated condenser coil for the washer that is used by a dry-to-dry machine, dryer or reclaimer.

(g) Each carbon adsorber used for the purposes of complying with par. (a) or (b) shall meet all of the following requirements:

1. ~~Shall~~ It may not be bypassed to vent or release any air-perchloroethylene gas-vapor stream to the atmosphere at any time~~; and~~.

2. ~~Shall~~ It shall be monitored according to the applicable requirements in sub. (4)(b) or (c).

(h) Each room enclosure used for the purposes of complying with par. (a)3. shall meet all of the following requirements:

1. ~~Shall~~ It shall be operated to vent all air from the room enclosure through a carbon adsorber or an equivalent control device~~; and~~.

2. ~~Shall~~ It shall be equipped with a carbon adsorber that is not the same carbon adsorber used to comply with par. (a)2. or (b)3.

(4)(b)(intro.) When a carbon adsorber is used to comply with sub. (3)(a)2. or exhaust is passed through a carbon adsorber immediately upon machine door opening to comply with sub. (3)(b)3., the owner or operator shall measure the concentration of perchloroethylene in the exhaust of the carbon adsorber weekly with a colorimetric detector tube, while the dry cleaning machine is venting to that carbon adsorber at the end of the last dry cleaning cycle prior to desorption of that carbon adsorber to determine that the perchloroethylene concentration in the exhaust is equal to or less than 100 parts per million by volume. The owner or operator shall do all of the following:

1. Use a colorimetric detector tube designed to measure a concentration of 100 parts per million by volume of perchloroethylene in air to an accuracy of ± 25 parts per million by volume~~;~~.

2. Use the colorimetric detector tube according to the manufacturer's instructions~~; and~~.

(c)(intro.) If the air-perchloroethylene gas-vapor stream is passed through a carbon adsorber prior to machine door opening to comply with sub. (3)(b)3., the owner or operator of an affected facility shall measure the concentration of perchloroethylene in the dry cleaning machine drum at the end of the dry cleaning cycle weekly with a colorimetric detector tube to determine that the perchloroethylene concentration is equal to or less than 300 parts per million by volume. The owner or operator shall do all of the following:

1. Use a colorimetric detector tube designed to measure a concentration of 300 parts per million by volume of perchloroethylene in air to an accuracy of ± 75 parts per million by volume~~;~~.

2. Use the colorimetric detector tube according to the manufacturer's instructions~~; and~~.

(5)(b)(intro.) Each owner or operator of a dry cleaning facility shall submit to the department by registered mail, on or before the 30th day following the compliance dates specified in sub. (1)(b) or (c), a notification of compliance status providing all of the following information and signed by a responsible official who shall certify its accuracy:

1. The name and address of the owner or operator~~;~~.

2. The address representing the physical location of the dry cleaning facility~~;~~.

3. A brief description of the type of each dry cleaning machine at the dry cleaning facility~~;~~.

4. The yearly perchloroethylene solvent consumption limit based upon the yearly solvent consumption calculated according to sub. (4)(d)~~;~~.

5. Whether or not facility is in compliance with each applicable requirement of sub. (3)~~; and~~.

(c)(intro.) Each owner or operator of an area source dry cleaning facility that exceeds the solvent consumption limit reported in par. (b) shall submit to the department by registered mail, on or before the dates specified in sub. (1)(f) or (i), a notification of compliance status providing all of the following information and signed by a responsible official who shall certify its accuracy:

1. The new yearly perchloroethylene solvent consumption limit based upon the yearly solvent consumption calculated according to sub. (4)(d)~~;~~.

2. Whether or not the facility is in compliance with each applicable requirement of sub. (3)~~; and~~.

SECTION 124. NR 484.03(intro.), Note and (4) are amended to read:

NR 484.03 CODE OF FEDERAL REGULATIONS. (intro.) The federal regulations in effect on July 1, ~~1996~~ 1998 listed in the first column of Table 1 are incorporated by reference for the corresponding sections of chs. NR 400 to 439 and 445 to 499 in the third column of Table 1.

Note: Copies of these materials are available for inspection in the offices of the department of natural resources, secretary of state and revisor of statutes, Madison, Wisconsin and in some public libraries or may be purchased for personal use from:

Superintendent of Documents
~~U.S. Government Printing Office~~
~~Washington DC 20402~~
PO Box 371954
Pittsburgh PA 15250-7954

	CFR Reference	Title	Incorporated by Reference For
(4)	40 CFR part 53	Ambient Air Monitoring Reference and Equivalent Methods	NR 404.02(4m) NR 404.06(3)(b)

SECTION 125. NR 484.04(intro.), Note, (11), (13), (16), (23) and (24) are amended to read:

NR 484.04 CODE OF FEDERAL REGULATIONS APPENDICES. (intro.) The appendices to federal regulations in effect on July 1, ~~1996~~ 1998 listed in the first column of Table 2 are incorporated by reference for the corresponding sections of chs. NR 400 to 439 and 445 to 499 or code

of federal regulations appendix method listed in the third column of Table 2. Since some of these materials are incorporated by reference for another appendix of the code of federal regulations and the other appendix is also incorporated by reference in this section, the materials listed in this section which are incorporated by reference for the other appendix are hereby also incorporated by reference and made a part of this chapter.

Note: Copies of these materials are available for inspection in the offices of the department of natural resources, secretary of state and revisor of statutes, Madison, Wisconsin and in some public libraries or may be purchased for personal use from:

Superintendent of Documents
~~U.S. Government Printing Office~~
~~Washington DC 20402~~
PO Box 371954
Pittsburgh PA 15250-7954

	CFR Appendix Referenced	Title	Incorporated by Reference For
(11)	40 CFR part 51 Appendix W~~1~~	Guideline on Air Quality Models (Revised)	NR 405.10 NR 489.09(3) (intro.)
(13)	40 CFR part 60 Appendix A	Test Methods	NR 400.02~~(77)~~(131) NR 439 NR 460 to 469
(16)	40 CFR part 60 Appendix A, Method 18	Measurement of Gaseous Organic Compound Emissions by Gas Chromatography	NR 400.02~~(43d)~~(77) NR 422.142(5)(a)
(23)	40 CFR part 61 Appendix B	Test Methods	NR 400.02~~(77)~~(131) NR 439 NR 445.02(9m) NR 446 to NR ~~483~~ 469
(24)	40 CFR part 63 Appendix A	Test Methods	NR 400.02~~(77)~~(131) NR 439 NR 460 to 469

SECTION 126. NR 484.04 Table 2 footnote 1 is repealed.

SECTION 127. NR 484.05(1), (3) and (8) are amended to read:

	Document Reference	Document Title	Incorporated by Reference For
NR 484.05			
(1)	NTIS Order No. PB 87-100012	Standard Industrial Classification Manual, 1987	NR 400.02(74) NR 400.02~~(47m)~~(86) NR 400.02~~(51m)~~(91) NR 400.02~~(91)~~(149) NR 405.02(8) NR 407.02(4)(intro.) NR 407.05(4)(b) NR 408.02(5) NR 410.02(4) NR 421.02(3) NR 421.02(17) NR 422.02(112) NR 422.095(1) NR 422.15(1)(intro.) NR 438.02(1)
(3)	NTIS Order No. PB93-192664	Metropolitan Areas, 1993	NR 400.02~~(53p)~~(96)
(8)	EPA, OAQPS, AP-42	Compilation of Air Pollutant Emission Factors, Volume 1: Stationary Point And Area Sources, Fifth Edition, January 1995, as revised by Supplement A (1996), Supplement B (1997), Supplement C (1998)	NR 438.03(5)(a) NR 489.09(2)(b)

SECTION 128. NR 484.05(9) is repealed and recreated to read:

	Document Reference	Document Title	Incorporated by Reference For
NR 484.05			
(9)	EPA-450/3-84-014a, December 1984	Review of National Emission Standards for Mercury	NR 446.04(3)(d)Note

SECTION 129. NR 484.05(10) is repealed.

SECTION 130. NR 484.06(2) and (3) Note are amended to read:

NR 484.06(2) The following is a document from the U.S. bureau of mines.

Note: Copies may be purchased for personal use from:

Bureau of Mines

U.S. Department of the Interior

Washington DC 20240

TABLE 4B

U.S. BUREAU OF MINES DOCUMENT REFERENCE

Document Number	Title	Incorporated by Reference For
Information Circular 7588	Fundamentals of Smoke Abatement, December, 1950, Ringlemann Chart	NR 400.02~~(80m)~~ (137) Note

(3)Note: Copies may be purchased for personal use from:

Superintendent of Documents

~~U.S. Government Printing Office~~

~~Washington DC 20402~~

PO Box 371954

Pittsburgh PA 15250-7954

SECTION 131. NR 484.06(4) is created to read:

NR 484.06(4) The following is a database document from the U.S. environmental protection agency.

Note: Electronic copies may be downloaded for personal use from the following Internet address:

http://www.epa.gov/ttnchie1/fire.html

Those without access to a computer can obtain printed copies of all or of specific parts of FIRE from:

Department of Natural Resources

Bureau of Air Managment

Box 7921

101 South Webster Street

Madison WI 53707-7921

TABLE 4D

U.S. ENVIRONMENTAL PROTECTION AGENCY DOCUMENT REFERENCE

Document Number	Title	Incorporated by Reference For
EPA, OAQPS, FIRE 6.01	Factor Information Retrieval Data System, Version 6.01	NR 438.02(2) NR 438.03(5)(a)

SECTION 132. NR 484.10(intro.), Note and (1) to (10) are amended to read:

NR 484.10 AMERICAN SOCIETY FOR TESTING AND MATERIALS. (intro.) The American society for testing and materials (ASTM) standards listed in the first column of Table 5 are incorporated by reference for the corresponding sections of chs. NR 400 to 439 and 445 to 499 in the third column of Table 5. Some of the standards are also incorporated for Appendix A or B of 40 CFR part 60, Appendix B of 40 CFR part 61 or Appendix A, D, E, F or G of 40 CFR part 75 as in effect on July 1, ~~1996~~ 1998. Since these Appendices are incorporated by reference in s. NR 484.04, standards listed in this section which are incorporated by reference for the Appendices are hereby also incorporated by reference and made a part of this chapter and chs. NR 400 to 439 and 445 to 499.

Note: These materials are available for inspection in the offices of the department of natural resources, secretary of state and revisor of statutes, Madison, Wisconsin or may be purchased for personal use at one of the following addresses:

American Society for Testing and Materials (ASTM)
~~1916 Race Street~~ 100 Barr Harbor Drive
~~Philadelphia~~ W Conshohocken PA ~~19103~~ 19428-2959
(610) 832-9500

or from:

University Microfilms International
300 North Zeeb Road
Ann Arbor MI 48106

	Standard Number	Standard Title	Incorporated by Reference For
(1)	ASTM ~~C136-93~~ C136-96a	Standard Test Method for Sieve Analysis of Fine and Coarse Aggregates	NR 415.02(9)
(2)	ASTM ~~D97-93~~ D97-96a	Standard Test Methods for Pour Point of Petroleum ~~Oils~~ Products	NR 420.02(41)
(3)	ASTM ~~D129-91~~ D129-95	Standard Test Method for Sulfur in Petroleum Products (General Bomb Method)	40 CFR part 60 Appendix A, Method 19 40 CFR part 75 Appendices A and D NR 409.04(4)(a)1. NR 439.08(2)(b)
(4)	ASTM D240-92	Standard Test Method for Heat of Combustion of Liquid Hydrocarbon Fuels by Bomb Calorimeter	40 CFR part 60 Appendix A, Method 19 40 CFR part 75 Appendices A, D, E and F

			NR 400.02~~(43e)~~(79) NR 439.08(2)(c)
(5)	ASTM D287-92 (1995)	Standard Test Method for API Gravity of Crude Petroleum and Petroleum Products (Hydrometer Method)	40 CFR part 75 Appendix D
(6)	ASTM ~~D323-90~~ D323-94	Standard Test Method for Vapor Pressure of Petroleum Products (Reid Method)	NR 420.02(31)
(7)	ASTM ~~D388-92~~ D388-98	Standard Classification of Coals by Rank	40 CFR part 75 Appendix F NR 400.02~~(22e)~~(40)
(8)	ASTM ~~D396-92~~ D396-98	Standard Specification for Fuel Oils	NR 400.02~~(41m)~~(70) NR 400.02~~(80)~~(135) NR 420.03(1)(a)
(9)	ASTM D523-89 (1994)	Test Method for Specular Gloss	ANSI/AHA A135.5-1988
(10)	ASTM ~~D737-75 (1980)~~ D737-96	Standard Test Method for Air Permeability of Textile Fabrics	NR 447.15(1)(a)1.

SECTION 133. NR 484.10(12m) is repealed.

SECTION 134. NR 484.10(13) to (16), (18), (19), (21), (22), (24), (25) to (29), (31), (32), (33) and (34) are amended to read:

	Standard Number	Standard Title	Incorporated by Reference For
NR 484.10			
(13)	ASTM ~~D975-92a~~ D975-98a	Standard Specification for Diesel Fuel Oils	NR 409.02(34) NR 420.03(1)(a)
(14)	ASTM ~~D1037-91~~ D1037-96a	Standard Test Methods for Evaluating Properties of Wood-Base Fiber and Particle Panel Materials	ANSI/AHA A135.5-1988
(15)	ASTM D1072-90 (1994)	Standard Test Method for Total Sulfur in Fuel Gases	40 CFR part 75 Appendix D NR 409.04(4)(a)3.
(16)	ASTM D1193-91	Standard Specification for Reagent Water	40 CFR part 60 Appendix A: Method 5F, par. 3.1 Method 5H, par. 3.1.3 Method 6, par. 3.1.1 Method 7, par. 3.2.2 Method 7A, par. 3.2 Method 7C, par. 3.1.1 Method 7D, par. 3.1.1

			Method 8, par. 3.1.3 Method 11, par. 6.1.3 Method 12, par. 4.1.3 Method 13A, par. 6.1.2 Method 14A, par. 7.1 Method 25D, par. 3.2.2.4 Method 26, par. 3.1.1 Method 26A, par. 3.1.1 Method 29, pars. 4.2.2, 4.4.2 and 4.5.6 40 CFR part 61 Appendix B, Method 101, par. 6.1.1
(18)	ASTM D1250-80 ~~(1990)~~ (1997)	Standard Guide for Petroleum Measurement Tables	40 CFR part 75 Appendix D
(19)	ASTM ~~D1265-92~~ D1265-97	Standard Practice for Sampling Liquefied Petroleum (LP) Gases (Manual Method)	NR 409.04(4)(a)3.
(21)	ASTM D1308-87 (1998)	Standard Test Method for Effect of Household Chemicals on Clear and Pigmented Organic Finishes	ANSI/AHA A135.5-1988
(22)	ASTM ~~D1475-90~~ D1475-96	Standard Test Method for Density of ~~Paint, Varnish, Lacquer,~~ Liquid Coatings, Inks, and Related Products	40 CFR part 60 Appendix A: Method 24, par. 2.1 Method 24A, par. 2.2 Method 24A, par. 2.3
(24)	ASTM D1481-93 (1997)	Standard Test Method for Density and Relative Density (Specific Gravity) of Viscous Materials by Lipkin Bicapillary Pycnometer	40 CFR part 75 Appendix D
(25)	ASTM ~~D1552-90~~ D1552-95	Standard Test Method for Sulfur in Petroleum Products (High-Temperature Method)	40 CFR part 75 Appendices A and D NR 439.08(2)(b)
(26)	ASTM D1826-94	Standard Test Method for Calorific Value of Gases in Natural Gas Range by Continuous Recording Calorimeter	40 CFR part 60 Appendix A, Method 19 40 CFR part 75 Appendices E and F NR 400.02~~(43e)~~(79)
(27)	ASTM ~~D1945-91~~ D1945-96	Standard Test Method for Analysis of Natural Gas by Gas Chromatography	40 CFR part 75 Appendices F and G
(28)	ASTM D1946-90 (1994)	Standard Practice for Analysis of Reformed Gas by Gas Chromatography	40 CFR part 75 Appendices F and G NR 460.10(2)(f)

(29)	ASTM ~~D1989-93~~ D1989-96	Standard Test Method for Gross Calorific Value of Coal and Coke by Microprocessor Controlled Isoperibol Calorimeters	NR 439.08(1)(d)
(31)	ASTM ~~D2015-94~~ D2015-96	Standard Test Method for Gross Calorific Value of Coal and Coke by the Adiabatic Bomb Calorimeter	40 CFR part 60 Appendix A, Method 19 40 CFR part 75 Appendices A, D, E and F NR 400.02~~(43e)~~(79) NR 439.08(1)(d)
(32)	ASTM ~~D2197-86 (1991)~~ D2197-98	Standard Test Method for Adhesion of Organic Coatings by Scrape Adhesion	ANSI/AHA A135.5-1988
(33)	ASTM ~~D2234-89~~ D2234-96	Standard Test Methods for Collection of a Gross Sample of Coal	40 CFR part 60 Appendix A, Method 19 40 CFR part 75 Appendix F NR 439.08(1)(a) NR 439.085(2)(a)1. NR 439.085(2)(b)1. NR 439.085(2)(c)1.
(34)	ASTM ~~D2369-93~~ D2369-98	Standard Test Method for Volatile Content of Coatings	40 CFR part 60 Appendix A, Method 24, par. 2.2

SECTION 135. NR 484.10(34) Note is created to read:

NR 484.10(34) Note: ASTM D2382 was discontinued in 1994, and replaced by ASTM D4809.

SECTION 136. NR 484.10(35) is repealed.

SECTION 137. NR 484.10(36), (37), (39) to (42), (47) to (52) and (54) are amended to read:

	Standard Number	Standard Title	Incorporated by Reference For
NR 484.10			
(36)	ASTM ~~D2486-89~~ D2486-96	Standard Test Method for Scrub Resistance of Interior Latex Flat Wall Paints	ANSI/AHA A135.5-1988
(37)	ASTM D2502-92 (1996)	Standard Test Method for Estimation of Molecular Weight (Relative Molecular Mass) of Petroleum Oils from Viscosity Measurements	40 CFR part 75 Appendix G
(39)	ASTM ~~D2622-~~	Standard Test Method for Sulfur in	40 CFR part 75 Appendices A

	~~92~~ D2622-98	Petroleum Products by Wavelength Dispersive X-ray Fluorescence Spectrometry	and D NR 409.04(4)(a)1.
(39m)	ASTM ~~D2879-92~~ D2879-97	Test Method for Vapor Pressure-Temperature Relationship and Initial Decomposition Temperature of Liquids by Isoteniscope	NR 422.142(5)(d)
(40)	ASTM ~~D2880-92~~ D2880-98	Standard Specification for Gas Turbine Fuel Oils	NR 420.03(1)(a)
(41)	ASTM ~~D2986-91~~ D2986-95a	Standard Practice for Evaluation of Air Assay Media by the Monodisperse DOP (Dioctyl Phthalate) Smoke Test	40 CFR part 60 Appendix A: Method 5, par. 3.1.1 Method 12, par. 4.1.1 Method 13A, par. 6.1.1.2 Method 17, par. 3.1.1
(42)	ASTM D3173-87 ~~(1992)~~ (1996)	Standard Test Method for Moisture in the Analysis Sample of Coal and Coke	40 CFR part 60 Appendix A, Method 19 NR 439.08(1)(f)
(47)	ASTM ~~D3238-90~~ D3238-95	Standard Test Method for Calculation of Carbon Distribution and Structural Group Analysis of Petroleum Oils by the n-d-M Method	40 CFR part 75 Appendix G
(48)	ASTM ~~D3792-91~~ D3792-98	Standard Test Method for Water Content of Water-Reducible Paints by Direct Injection into a Gas Chromatograph	40 CFR part 60 Appendix A, Method 24, par. 2.3
(49)	ASTM ~~D4017-90~~ D4017-96a	Standard Test Method for Water in Paints and Paint Materials by Karl Fischer Method	40 CFR part 60 Appendix A, Method 24, par. 2.4
(50)	ASTM ~~D4052-91~~ D4052-96	Standard Test Method for Density and Relative Density of Liquids by Digital Density Meter	40 CFR part 75 Appendix D
(51)	ASTM ~~D4057-88~~ D4057-95	Standard Practice for Manual Sampling of Petroleum and Petroleum Products	40 CFR part 75 Appendix D NR 409.04(4)(a)1. NR 439.08(2)(a)
(52)	ASTM ~~D4177-82 (1990)~~ D4177-95	Standard Practice for Automatic Sampling of Petroleum and Petroleum Products	40 CFR part 75 Appendix D NR 439.08(2)(a)
(54)	ASTM ~~D4294-90~~ D4294-98	Standard Test Method for Sulfur in Petroleum and Petroleum Products by Energy-Dispersive X-Ray Fluorescence ~~Spectroscopy~~ Spectrometry	40 CFR part 75 Appendices A and D NR 409.04(4)(a)1. NR 439.08(2)(b)

SECTION 138. NR 484.10(55) is renumbered 484.10(56) and amended to read:

Standard Number	Standard Title	Incorporated by Reference For
NR 484.10		
(56) ASTM ~~E84-94~~ E84-97a	Standard Test Method for Surface Burning Characteristics of Building Materials	ANSI/AHA A135.5-1988

SECTION 139. NR 484.10(55) is created to read:

Standard Number	Standard Title	Incorporated by Reference For
NR 484.10		
(55) ASTM D4809-95	Standard Test Method for Heat of Combustion of Liquid Hydrocarbon Fuels by Bomb Calorimeter (Intermediate Precision Method)	40 CFR part 75 Appendices D, E and F NR 460.10(2)(f)

SECTION 140. NR 484.10(56) is renumbered 484.10(57) and amended to read:

Standard Number	Standard Title	Incorporated by Reference For
NR 484.10		
(57) ASTM ~~G23-93~~ G23-96	Standard Practice for Operating Light-Exposure Apparatus (Carbon-Arc Type) With and Without Water for Exposure of Nonmetallic Materials	ANSI/AHA A135.5-1988

SECTION 141. NR 484.11(5) is amended to read:

NR 484.11(5) The following is a document from the architectural aluminum manufacturer's association (AAMA).

Note: Copies may be purchased for personal use from:
Architectural Aluminum Manufacturer's Association
2700 River Road Suite 118
Des Plaines IL 60018

TABLE 6E
AAMA DOCUMENT REFERENCE

Document Number	Title	Incorporated by Reference For
AAMA ~~605.2-85~~ 605.2-92	Voluntary Specification For High Performance Organic Coatings On Architectural Extrusions and Panels	NR 422.02~~(41)~~(42)

SECTION 142. NR 485.02(8), (9) and (23) are amended to read:

NR 485.02(8) "Evaporative system integrity test" or "evaporative system pressure integrity test" means the test specified in 40 CFR 51.357(a)(10), as in effect on ~~January 1, 1996~~ July 1, 1998, which checks for leaks in the fuel system by monitoring the pressure decay of a pressurized fuel system for up to 2 minutes.

(9) "Evaporative system purge test" means the test specified in 40 CFR 51.357(a)(9), as in effect on ~~January 1, 1996~~ July 1, 1998, which consists of measuring the total purge flow occurring in the vehicle's evaporative system during the transient emission test.

(23) "Transient emission test" means the emission test specified in 40 CFR 51.357(a)(11), as in effect on ~~January 1, 1996~~ July 1, 1998, which consists of 240 seconds of mass emission measurement while the vehicle is driven on a dynamometer.

SECTION 143. NR 485.04(2)(c), (8)(a) and (b) and (10)(intro.) are amended to read:

NR 485.04(2)(c) Oxides of nitrogen in ~~rates~~ a rate that ~~exceed~~ exceeds the applicable composite emission rate in Table 1 when measured over the entire transient driving cycle, except as provided in sub. (9).

(8)(a) *Pressure test.* The department may designate a test procedure as an alternative evaporative system integrity test if the department determines that the test procedure satisfies the same requirements as those for a federal alternative procedure specified in 40 CFR 51.357(a)(10)(vi) and (13) as in effect on ~~January 1, 1996~~ July 1, 1998.

(b) *Purge test.* The department may designate a test procedure as an alternative evaporative system purge test if the department determines that the test procedure satisfies the same requirements as those for a federal alternative procedure specified in 40 CFR 51.357(a)(9) and (13) as in effect on ~~January 1, 1996~~ July 1, 1998.

(10)(intro.) EXEMPTIONS. In addition to the vehicles specified in s. ~~144.42~~ 285.30(5), Stats., the following motor vehicles are exempt from the emission limitations of this section:

SECTION 144. NR 487.14 Table 5 is amended to read:

NR 487.14

Table 5

Vehicle Equivalent for LDVs and LDTs

Credit Needed in lieu of Purchasing a LEV to meet the Mandate

NMOG + NO_x	LDV, LDT ≤ 6000 lb. GVWR, ≤ 3750 lb. LVW	LDT ≤ 6000 lb. GVWR, > 3750 lb. LVW ≤ 5750 lb. LVW	LDT > 6000 lb. GVWR, ≤ 3750 lb. ALVW	LDT > 6000 lb. GVWR, > 3750 lb. ALVW ≤ 5750 lb. ALVW	LDT > 6000 lb. GVWR, > 5750 lb. ALVW
LEV	1.00	1.39	0.33	0.43	0.52

SECTION 145. NR 489.01(1) is amended to read:

NR 489.01(1) The purpose of this rule is to implement section 176(c) of the clean air act (42 USC 7406(c)) and regulations under 40 CFR part 51 subpart W as in effect on ~~October 1, 1995~~ July 1, 1998 with respect to the conformity of general federal actions to the applicable implementation plan. Under those authorities, no department, agency or instrumentality of the federal government may engage in, support in any way or provide financial assistance for, license or permit, or approve any activity which does not conform to an applicable implementation plan. This chapter sets forth policy, criteria and procedures for demonstrating and assuring conformity of such actions with the applicable implementation plan.

SECTION 146. NR 489.02(intro.), (6), (22) and (23) are amended to read:

NR 489.02 DEFINITIONS. (intro.) The definitions contained in ch. NR 400 apply to the terms used in this chapter. In addition, terms used but not defined in ch. NR 400 or this chapter shall have the meanings given them by the act and the environmental protection agency's (EPA) regulations promulgated under the act as of July 1, 1998, in that order of priority. The following definitions apply to the terms used in this chapter:

(6) "Criteria pollutant" means any pollutant for which there is established a NAAQS under 40 CFR part 50 as in effect on ~~October 1, 1995~~ July 1, 1998.

(22) "NEPA" means the national environmental policy act of 1969 (42 USC 4321 to 4347) as in effect on ~~October 1, 1995~~ July 1, 1998.

(23) "Nonattainment area" ~~or "NAA"~~ means any geographic area of the United States which has been designated as nonattainment under section 107 of the act (42 USC 7407) and described in 40 CFR part 81 as in effect on ~~October 1, 1995~~ July 1, 1998.

SECTION 147. NR 489.04 is amended to read:

NR 489.04 CONFORMITY ANALYSIS. Any federal department, agency, or instrumentality of the federal government taking an action subject to 40 CFR part 51 subpart W, as in effect on ~~October 1, 1995~~ July 1, 1998, and this chapter shall make its own conformity determination consistent with the requirements of this chapter. In making its conformity determination, a federal agency shall consider comments from any interested parties. Where multiple federal agencies have jurisdiction for various aspects of a project, a federal agency may choose to adopt the analysis of another federal agency, to the extent the proposed action and impacts analyzed are the same as the project for which a conformity determination is required, or develop its own analysis in order to make its conformity determination.

SECTION 148. NR 489.08(intro.), (3)(a) and (b), (4)(a) and (b), (5)(b) and (d)1.b. are amended to read:

NR 489.08 CRITERIA FOR DETERMINING CONFORMITY OF GENERAL FEDERAL ACTIONS. (intro.) An action required under s. NR 489.03 to have a conformity determination for a specific pollutant will be determined to conform to the applicable implementation plan if, for each pollutant that exceeds the rates in s. NR 489.03(2), or otherwise requires a conformity determination due to the total of direct and indirect emissions from the action, the action meets the requirements of ~~sub. (7)~~ s. NR 489.085(2), and meets any of the following requirements:

(3)(a) The requirements specified in ~~sub. (6)~~ s. NR 489.085(1), based on areawide air quality modeling analysis and local air quality modeling analysis; or

(b) The requirements specified in sub. (5) and, for local air quality modeling analysis, the requirements of ~~sub. (6)~~ s. NR 489.085(1);

(4)(a) Where the department determines, in accordance with ss. NR 489.05 and 489.06 and consistent with the applicable implementation plan, that an areawide air quality modeling analysis is not needed, the total of direct and indirect emissions from the action meets the requirements specified in ~~sub. (6)~~ s. NR 489.085(1), based on local air quality modeling analysis; or

(b) Where the department determines, in accordance with ss. NR 489.05 and 489.06 and consistent with the applicable implementation plan, that an areawide air quality modeling analysis is appropriate and that a local air quality modeling analysis is not needed, the total of direct and indirect

emissions from the action meets the requirements specified in ~~sub. (6)~~ s. NR 489.085(1), based on areawide modeling, or meets the requirements of sub. (5); or

(5)(b) The action, or portion thereof, as determined by the MPO, is specifically included in a current transportation plan and transportation improvement program which has been found to conform to the applicable implementation plan under 40 CFR part 51, subpart T or part 93, subpart A as in effect on ~~October 1, 1995.~~ July 1, 1998;

(d)1.b. The calendar year that is the basis for the classification or, where the classification is based on multiple years, the year that is most representative in terms of the level of activity, if a classification is promulgated in 40 CFR part 81 as in effect on ~~October 1, 1995~~ July 1, 1998; or

SECTION 149. NR 489.08(6) to (8) are renumbered 485.085(1) to (3) and 489.085(2) and (3), as renumbered, are amended to read:

NR 489.085(2) Notwithstanding any other requirements of this section and s. NR 489.08, an action subject to this chapter may not be determined to conform to the applicable implementation plan unless the total of direct and indirect emissions from the action is in compliance or consistent with all relevant requirements and milestones contained in the applicable implementation plan, such as elements identified as part of the reasonable further progress schedules, assumptions specified in the attainment or maintenance demonstration, prohibitions, numerical emission limits, and work practice requirements, and such action is otherwise in compliance with all relevant requirements of the applicable implementation plan.

(3) Any analyses required under this section and s. NR 489.08 shall be completed, and any mitigation requirements necessary for a finding of conformity shall be identified in compliance with s. NR 489.10, before the determination of conformity is made.

SECTION 150. NR 489.085 (title) is created to read:

NR 489.085 (title) ADDITIONAL REQUIREMENTS FOR DETERMINING CONFORMITY OF GENERAL FEDERAL ACTIONS.

SECTION 151. NR 489.10(5) is amended to read:

NR 489.10(5) When necessary because of changed circumstances, mitigation measures may be modified so long as the new mitigation measures continue to support the conformity determination in accordance with ss. NR 489.08 ~~and~~ to 489.09 and this section. Any proposed change in the mitigation measures is subject to the reporting requirements of s. NR 489.05 and the public participation requirements of s. NR 489.06.

SECTION 152. NR 489.11 is amended to read:

NR 489.11 SAVINGS PROVISION. The federal conformity regulations under 40 CFR part 51 subpart W and part 93 as in effect on ~~October 1, 1995~~ July 1, 1998, in addition to any existing applicable state requirements, establish the conformity criteria and procedures necessary to meet the requirements of section 176(c) of the act (42 USC 7506(c)) until such time as this conformity implementation plan revision is approved by EPA. Following EPA approval of this revision to the applicable implementation plan, or a portion thereof, the approved state criteria and procedures govern conformity determinations and the federal conformity regulations contained in 40 CFR part 93 apply only for the portion, if any, of the state's conformity provisions that is not approved by EPA. In addition, any previously applicable implementation plan requirements relating to conformity remain enforceable until the state revises its applicable implementation plan to specifically remove them and that revision is approved by EPA.

SECTION 153. NR 490.025(1) is amended to read:

NR 490.025(1) Any person, state or agency authorized to request a public hearing under s. 285.61(7)(a) or 285.62(5)(a), Stats., shall submit such request in a form which complies with the applicable statutory requirements. The following format is a suggested format for requesting a public hearing:

TO The Department of Natural Resources:

REQUEST FOR NONCONTESTED CASE PUBLIC HEARING

The undersigned hereby request a noncontested case public hearing on the (air pollution control permit application submitted by _____ to the department on _____, __) (operation permit issued by the department to _____ on _____, __) under section 285.61(7)(a) or 285.62~~(45~~(5)(a), Stats., as appropriate.

The requestor's interest in filing the request is _____

The reasons why a public hearing is warranted are _____

Date of Request _____

Signature _____

Name and Address _____

SECTION 154. NR 490.03(1) is amended to read:

NR 490.03(1) If the department receives a request for a hearing under s. NR 490.025 and the department determines that there is a significant public interest in holding a hearing, the department may hold a public hearing and, if a hearing is held, shall close the record of the public hearing within 70 days after the deadline for requesting a hearing. Not less than 10 days, and not less than 30 days for hearings related to issuance, renewal, revision, suspension or revocation of operation permits for part 70 sources, prior to the public hearing, the department shall publish a class 1 notice under ch. 985, Stats., announcing the hearing and shall serve a written notice of the hearing on the requestor, the permit applicant or permit holder and persons listed under s. ~~144.392~~ 285.61(5)(a)2. to 5., Stats. The department may serve the notice of hearing by personal delivery or by mailing a copy of the notice to the last known post office address of the person to be served in a sealed envelope with first class postage prepaid.

SECTION 155. NR 492.01(1) and (2) are amended to read:

NR 492.01(1) APPLICABILITY. This chapter applies to the department when acting on requests for a permit or departmental approval submitted by any person pursuant to ss. ~~285.30, 285.31, 285.39 and~~ 285.55 to 285.87, Stats.

(2) PURPOSE. This chapter is adopted under ss. 227.116 and 285.11, Stats., to establish a time schedule for the department to follow when acting on requests for a permit or departmental approval submitted pursuant to ss. ~~285.30, 285.31, 285.39 and~~ 285.55 to 285.87, Stats.

SECTION 156. NR 493.01(2) Note is created to read:

NR 493.01(2) Note: This chapter generally follows the federal guidance contained in 40 CFR part 51, Appendix L.

SECTION 157. TERMINOLOGY CHANGES.

Wherever the term "s. NR 489.08" appears in the following sections of the code, the term "ss. NR 489.08 and 489.085" is substituted: NR 489.05(1) and (2) and 489.06(1) to (4).

Wherever the term "Are(a)1." appears in the following sections of the code, the term "Area." is substituted: NR 493 Table 2 (1)(b)3. and (c)3. and Table 3 (1)(a)2., (b)2. and (c)2.

The foregoing rule was approved and adopted by the State of Wisconsin Natural Resources Board on April 28, 1999.

The rule shall take effect the first day of the month following publication in the Wisconsin administrative register as provided in s. 227.22(2)(intro.), Stats.

Dated at Madison, Wisconsin July 28, 1999.

STATE OF WISCONSIN
DEPARTMENT OF NATURAL RESOURCES

By George E. Meyer
George E. Meyer, Secretary

(SEAL)

WISCONSIN
DEPT. OF NATURAL RESOURCES

State of Wisconsin \ DEPARTMENT OF NATURAL RESOURCES

Tommy G. Thompson, Governor
George E. Meyer, Secretary

Box 7921
101 South Webster Street
Madison, Wisconsin 53707-7921
TELEPHONE 608-266-2621
FAX 608-267-3579
TDD 608-267-6897

July 28, 1999

Mr. Gary L. Poulson
Assistant Revisor of Statutes
131 West Wilson Street - Suite 800
Madison, WI

Dear Mr. Poulson:

Enclosed are two copies, including one certified copy, of State of Wisconsin Natural Resources Board Order No. AM-38-98. These rules were reviewed by the Assembly Committee on Environment and the Senate Committee on Agriculture, Environmental Resources and Campaign Finance Reform pursuant to s. 227.19, Stats. Summaries of the final regulatory flexibility analysis and comments of the legislative review committees are also enclosed.

You will note that this order takes effect following publication. Kindly publish it in the Administrative Code accordingly.

Sincerely,

George E. Meyer
Secretary

Enc.