

NR154

State of Wisconsin

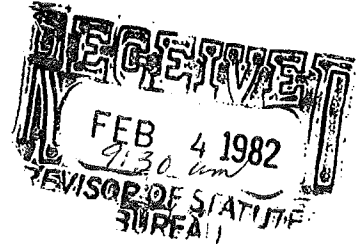
DEPARTMENT OF NATURAL RESOURCES

Carroll D. Besadny  
Secretary

BOX 7921  
MADISON, WISCONSIN 53707

IN REPLY REFER TO: \_\_\_\_\_

STATE OF WISCONSIN )  
 )  
DEPARTMENT OF NATURAL RESOURCES ) SS



TO ALL TO WHOM THESE PRESENTS SHALL COME, GREETINGS:

I, Carroll D. Besadny, 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. A-15-81 was duly approved and adopted by this Department on September 23, 1981. 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 General Executive Facility #2 in the City of Madison, this 3<sup>rd</sup> day of February, 1982.

*Carroll D. Besadny*  
Carroll D. Besadny, Secretary

(SEAL)

4-1-82

ORDER OF THE STATE OF WISCONSIN NATURAL RESOURCES BOARD

REPEALING, RENUMBERING, RENUMBERING AND AMENDING, AND CREATING RULES

. . . . .  
 IN THE MATTER of repealing section NR 154.11(2)(b)1.; .  
 renumbering sections NR 154.11(2)(b)2., 3. and 4.; .  
 renumbering and amending section NR 154.11(2)(c); .  
 and creating sections NR 154.01(118m) and (193m) and . A-15-81  
 NR 154.11(2)(c) of the Wisconsin Administrative Code .  
 pertaining to air emissions of particulate matter .  
 (fugitive dust) in or near nonattainment areas for .  
 total suspended particulate matter .  
 . . . . .

Analysis Prepared by Department of Natural Resources

Previous public comment indicated that the applicability criteria for reasonably available control technology (RACT) emission limitations for private parking lots and roadways were cumbersome. This revision changes some of the applicability criteria and clarifys the emission limitations. Formerly, these emission limits (paving and cleaning or other dust control methods) applied to any private commercial or industrial roadway or area subject to traffic of 10 vehicles per hour and located inside a particulate matter nonattainment area or located outside such an area but having a "significant impact" on it. This revision moves the emission limits to a separate paragraph, thus eliminating the "significant impact" test in favor of a test based on area (20,000 square feet) and location (within one mile of a nonattainment area). The 10 vehicle per hour criterion is modified. The revision also clarifies that the square footage of several private driveways, roads and parking lots (trafficable areas) on contiguous property under common ownership or control will be added together. It also revises the appropriate cross-references in the RACT compliance schedule. Finally, it adds to the code a definition of "motor vehicle" and "trafficable area".

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Pursuant to the authority vested in the State of Wisconsin Natural Resources Board by sections 144.31, 144.38 and 227.014, Wisconsin Statutes, the State of Wisconsin Natural Resources Board hereby repeals, renumbers, renumbers and amends, and creates rules interpreting section 144.31(1)(f), Wisconsin Statutes, and revising the State Implementation Plan (SIP) developed under that provision, as follows:

SECTION 1 - NR 154.01(118m) and (193m) are created to read:

(118m) "Motor vehicle" or "vehicle" means every self-propelled device, except railroad trains, by which any person or property is or may be transported or drawn upon a highway.

(193m) "Trafficable area" means any area, including but not limited to a parking lot or storage area, which is external to a building or structure, is reasonably capable of being traveled by a motor vehicle, and is accessible to a motor vehicle.

SECTION 2 - NR 154.11(2)(b)1. is repealed.

SECTION 3 - NR 154.11(2)(b)2., 3. and 4. are renumbered NR 154.11(2)(b)1., 2. and 3., respectively.

SECTION 4 - NR 154.11(2)(c) is renumbered NR 154.11(2)(d) and amended to read:

(d) When a direct or portable source is subject to the emission limitations of par. (b) or (c), the owner or operator may not exceed the following increments of progress in achieving compliance commencing with the nonattainment determination under ~~NR-154.03(1)~~ s. NR 154.03(1):

1. Submit plans for compliance within 8 months.
2. Award any necessary contracts within 15 months.
3. Commence construction, installation or modification of emission control techniques required under ~~subd. 1., 2., and 3. a. of par. (b)~~ pars. (b)1. and 2.a. and (c) within 18 months.

4. Commence construction, installation or modification of emission control techniques required under ~~subd. 3.b. and 4. of par. (b)~~ par. (b)2.b. and 3. within 24 months.

5. Complete construction, installation or modification of emission control techniques required under ~~subd. 1, 2 and 3.a. of par. (b)~~ pars. (b)1. and 2.a. and (c), achieve compliance, and so certify to the department within 21 months.

6. Complete construction, installation or modification of emission control techniques required under ~~subd. 3.b. and 4. of par. (b)~~ par. (b)2.b. and 3. within 30 months and achieve final compliance and so certify to the department within 33 months.

SECTION 5 - NR 154.11(2)(c) is created to read:

(c) In addition to meeting the requirements of par. (a), private industrial or commercial trafficable areas, roads and driveways which are located in or within one mile of a nonattainment area identified under s. NR 154.03(1) for suspended particulate matter, are 20,000 square feet or more in total area, are on contiguous property under common ownership or control, and are subject on 3 separate days during any 14 consecutive day period to motor vehicle traffic at any point within the roads, driveways or trafficable areas at a rate equal to or greater than 10 motor vehicles per 60 minute period, shall meet the following RACT emission limitations:

1. 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 road, driveway or 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, oil or suitable chemicals. In reviewing and acting upon plans required by par. (d) for compliance with this paragraph, 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.

2. If paved, be kept reasonably free of material likely to become airborne, through a program of periodic cleaning.

The foregoing rules were approved and adopted by the State of Wisconsin Natural Resources Board on September 23, 1981.

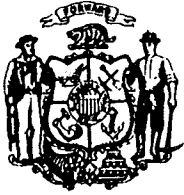
The rules contained herein shall take effect as provided in section 227.026(1)(intro.), Wisconsin Statutes.

Dated at Madison, Wisconsin February 3, 1982

STATE OF WISCONSIN DEPARTMENT OF NATURAL RESOURCES

By Carroll D. Besadny  
Carroll D. Besadny, Secretary

(SEAL)



State of Wisconsin

DEPARTMENT OF NATURAL RESOURCES

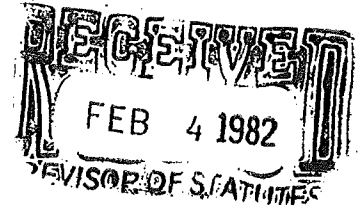
Carroll D. Besadny  
Secretary

February 2, 1982

BOX 7921  
MADISON, WISCONSIN 53707

IN REPLY REFER TO: 1020

Mr. Orlan L. Prestegard  
Revisor of Statutes  
411 West  
C A P I T O L



Dear Mr. Prestegard:

Enclosed are two copies, including one certified copy, of State of Wisconsin Natural Resources Board Order No. A-15-81. These rules were reviewed by the Assembly Committee on Environmental Resources and the Senate Committee on Agriculture and Natural Resources pursuant to s. 227.018, Stats. There were no requests for modification.

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

Sincerely,

*C. D. Besadny*  
C. D. Besadny  
Secretary

Enc.