



State of Wisconsin

CR 81-251

DEPARTMENT OF NATURAL RESOURCES

Carroll D. Besadny
Secretary

BOX 7921
MADISON, WISCONSIN 53707

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STATE OF WISCONSIN)
DEPARTMENT OF NATURAL RESOURCES) ss

SEP 3 1982
2:30
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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-42-81 was duly approved and adopted by this Department on April 28, 1982. 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 there of, 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 31st day of August, 1982.

Carroll D. Besadny
Carroll D. Besadny, Secretary

(SEAL)

ORDER OF THE STATE OF WISCONSIN NATURAL RESOURCES BOARD
AMENDING AND CREATING RULES

.....
IN THE MATTER of amending section NR 154.11(2)(d).
and creating sections NR 154.01(94m), (118n), .
(159m), and (165m), and NR 154.11(2)(e) of the .
Wisconsin Administrative Code pertaining to air .
emissions of particulate matter (fugitive dust) .
from publicly owned roadways and trafficable .
areas in or near nonattainment areas for total .
suspended particulate matter. .
.....

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Analysis Prepared by Department of Natural Resources

Previous public comment indicated that reasonably available control technology (RACT) emission limitations (sweeping and paving or other dust control methods) should be applied to the public sector as well as to the private sector since publicly owned sources may also contribute to air pollution. This revision adopts RACT emission limits for the control of fugitive dust from municipal, state and federal roadways, parking lots and other trafficable areas if they are inside or within one mile of a suspended particulate matter nonattainment area and if they are subject to motor vehicle traffic greater than a specified rate.

Paved lots smaller than 20,000 square feet are exempt from the requirement for periodic cleaning, and unpaved roadways and lots smaller than 20,000 square feet are exempt from the requirement for paving or use of other approved dust control methods. In determining the contiguous area of a roadway or lot, ownership or control of different portions of the roadway or lot by different public entities is not to be considered.

Compliance with the RACT emission limits must be achieved according to the increments of progress set out in SECTION 2. The compliance schedule is triggered when the department identifies an area as a nonattainment area under s. NR 154.03, Wis. Adm. Code.

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 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(94m), (118n), (159m), and (165m) are created to read:

(94m) "Highway" has the meaning given it in s. 340.01(22), Stats.

(118n) "Municipality" has the meaning given it in s. 144.01(6), Stats.

(159m) "Public trafficable area" means any trafficable area which is owned, operated, maintained or controlled by a municipality, interstate agency, state agency or federal agency.

(165m) "Roadway" has the meaning given it in s. 340.01(54), Stats.

SECTION 2 - NR 154.11(2)(d)(intro.), 3. and 5. are amended to read:

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

3. Commence construction, installation or modification of emission control techniques required under pars. (b)1. and 2.a.-~~and-(e)~~, (c) and (e) within 18 months.

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

SECTION 3 - NR 154.11(2)(e) is created to read:

(e) In addition to meeting the requirements of par (a), any roadway or public trafficable area which is located in or within one mile of a nonattainment area identified under s. NR 154.03(1) for suspended particulate matter and which is subject on 3 separate days during any 14 consecutive day period to motor vehicle traffic at any point within the roadway or public trafficable area at a rate equal to or greater than 10 motor vehicles per 60 minute period shall meet the RACT emission limitations of this paragraph. For purposes of this paragraph, ownership or control of different portions of a roadway or public trafficable area by different municipalities, interstate agencies, state agencies or federal agencies may not be considered in determining the contiguous area of the roadway or public trafficable area.

1. If paved, roadways and public trafficable areas covered by this paragraph shall be kept, through a program of periodic cleaning, reasonably free of material likely to become airborne. This subdivision 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.

2. If unpaved, roadways and public trafficable areas covered by this paragraph 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, 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. This subdivision does not apply to roadways or to public trafficable areas which have less than 20,000 contiguous square feet of unpaved surface area.

The foregoing rules were approved and adopted by the State of Wisconsin Natural Resources Board on April 28, 1982.

The rules contained herein shall take effect as provided in s. 227.026(1)(intro.), Stats.

Dated at Madison, Wisconsin August 31, 1982

STATE OF WISCONSIN DEPARTMENT OF NATURAL RESOURCES

By Carroll D. Besadny
Carroll D. Besadny, Secretary

(SEAL)