

Chapter NR 440

STANDARDS OF PERFORMANCE FOR NEW  
STATIONARY SOURCES

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**NR 440.01 Applicability; purpose.** (1) **APPLICABILITY.** On and after February 1, 1984 the provisions of this chapter apply to the owner or operator of any stationary source which contains an affected facility.

(2) **PURPOSE.** This chapter is adopted to enable the department to implement and enforce standards of performance for new stationary sources promulgated by the United States environmental protection agency under section 7411 of the federal clean air act, as required by s. 144.375 (4), Stats.

**History:** Cr. Register, January, 1984, No. 337, eff. 2-1-84.

**NR 440.02 Definitions.** In this chapter:

(1) "Act or 'Federal clean air act'" has the meaning given it in s. 144.30 (14), Stats.

(2) "Administrator" means the administrator of the United States environmental protection agency or the administrator's authorized representative.

(3) "Affected facility" means, with reference to a stationary source, any apparatus to which a standard set out in this chapter is applicable.

(4) "Air pollutant" means an air contaminant as defined in s. 144.30 (1), Stats.

(5) "Alternative method" means any method of sampling and analyzing for an air pollutant which is not a reference or equivalent method but which has been demonstrated to the department's satisfaction to produce, in specific cases, results adequate for its determination of compliance.

(6) "Capital expenditure" means an expenditure for a physical or operational change to an existing facility which exceeds the product of the applicable "annual asset guideline repair allowance percentage" specified in the latest edition of internal revenue service (IRS) publication 534 and the existing facility's basis, as defined by 26 U.S.C. s. 1012. However, the total expenditure for a physical or operational change to an existing facility may not be reduced by any "excluded additions" as defined in IRS publication 534, as would be done for tax purposes.

(7) "Commenced" means, with respect to the definition of "new source" in sub. (18), that an owner or operator has undertaken a continuous program of construction or modification or that an owner or operator has entered into a contractual obligation to undertake and complete, within a reasonable time, a continuous program of construction or modification.

(8) "Construction" means fabrication, erection or installation of an affected facility.

(9) "Continuous monitoring system" means the total equipment, required under the emission monitoring subsections in applicable sections of this chapter, used to sample and condition (if applicable), to analyze, and to provide a permanent record of emissions or process parameters.

(11) "Equivalent method" means any method of sampling and analyzing for an air pollutant which has been demonstrated to the department's satisfaction to have a consistent and quantitatively known relationship to the reference method, under specified conditions.

(12) "Existing facility" means, with reference to a stationary source, any apparatus of the type for which a standard is promulgated in this chapter, and the construction or modification of which was commenced before the applicability date of that standard; or any apparatus which could be altered in such a way as to be of that type.

(13) [Reserved]

(14) "Isokinetic sampling" means sampling in which the linear velocity of the gas entering the sampling nozzle is equal to that of the undisturbed gas stream at the sample point.

(15) "Malfunction" means any sudden and unavoidable failure of air pollution control equipment or process equipment or of a process to operate in a normal or usual manner. Failures that are caused entirely or in part by poor maintenance, careless operation, or any other preventable upset condition or preventable equipment breakdown may not be considered malfunctions.

(16) "Modification" means any physical change in, or change in the method of operation of, an existing facility which increases the amount of any air pollutant (to which a standard applies) emitted into the atmosphere by that facility or which results in the emission of any air pollutant (to which a standard applies) into the atmosphere not previously emitted.

(17) "Monitoring device" means the total equipment, required under the monitoring of operations subsections in applicable sections of this chapter, used to measure and, if applicable, record process parameters.

(18) "New source" means any stationary source, the construction or modification of which is commenced after the the applicability date of a standard of performance in this chapter which will be applicable to the source.

(19) "Nitrogen oxides" means all oxides of nitrogen except nitrous oxide, as measured by test methods set forth in this chapter or incorporated by reference in this chapter by s. NR 440.17.

(20) "One-hour period" means any 60-minute period commencing on the hour.

(21) "Opacity" means the degree to which emissions reduce the transmission of light and obscure the view of an object in the background.

(22) "Owner or operator" means any person who owns, leases, operates, controls or supervises an affected facility or a stationary source of which an affected facility is a part.

(23) "Particulate matter" means any finely divided solid or liquid material, other than uncombined water, as measured by the reference methods specified under each applicable section of this chapter, or an

(25) "Proportional sampling" means sampling at a rate that produces a constant ratio of sampling rate to stack gas flow rate.

(26) "Reference method" means any method of sampling and analyzing for an air pollutant as described in 40 C.F.R. pt. 60, Appendix A, incorporated by reference in s. NR 440.17.

(27) "Run" means the net period of time during which an emission sample is collected. Unless otherwise specified, a run may be either intermittent or continuous within the limits of good engineering practice.

(28) "Shutdown" means the cessation of operation of an affected facility for any purpose.

(29) "Six-minute period" means any one of the 10 equal parts of a one-hour period.

(30) "Standard" means a standard of performance set out in ss. NR 440.19 through 440.59.

(31) "Standard conditions" means a temperature of 293 K (68°F) and a pressure of 101.3 kilopascals (29.92 in Hg).

(32) [Reserved]

(33) "Startup" means the setting in operation of an affected facility for any purpose.

(34) "Stationary source" means any building, structure, facility or installation which emits or may emit any air pollutant.

(35) "'Volatile organic compound' or 'VOC'" means any organic compound which participates in atmospheric photochemical reactions, or which is measured by a reference method, an equivalent method, an alternative method, or which is determined by procedures specified under any section of this chapter.

History: Cr. Register, January, 1984, No. 337, eff. 2-1-84.

**NR 440.03 Units and abbreviations.** Used in this chapter are abbreviations and symbols of units of measure. These are defined as follows:

(1) System international (SI) units of measure:

A - ampere

g - gram

Hz - hertz

J - joule

K - degree Kelvin

kg - kilogram

m - meter

m<sup>3</sup> - cubic meter

mg - milligram—10<sup>-3</sup> gram

mm - millimeter—10<sup>-3</sup> meter