



CR 83-184

State of Wisconsin

DEPARTMENT OF NATURAL RESOURCES

Carroll D. Besadny  
Secretary

BOX 7921  
MADISON, WISCONSIN 53707

STATE OF WISCONSIN )  
DEPARTMENT OF NATURAL RESOURCES )

ss

RECEIVED

MAR 14 1984  
2:50 pm  
Revisor of Statutes  
Bureau

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-45-83 was duly approved and adopted by this Department on January 25, 1984. 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 13<sup>th</sup> day of March, 1984.

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

(SEAL)

3081I

5-1-RAL

ORDER OF THE STATE OF WISCONSIN  
NATURAL RESOURCES BOARD  
CREATING RULES

. . . . .  
IN THE MATTER of creating .  
ch. NR 410 of the Wisconsin .  
Administrative Code pertaining .  
to the establishment of air .  
permit application fees and air .  
permit implementation and .  
enforcement fees. .  
. . . . .

A-45-83

Analysis Prepared by Department of Natural Resources

Section 110(a)(2)(K) of the Federal Clean Air Act requires states to incorporate a permit fee system in their state implementation plans which would recover the reasonable costs of reviewing and acting upon permit applications and of implementing and enforcing the conditions of the permits. Section 144.399, Wis. Stats., authorizes the department to establish air permit fees.

These rules provide for two separate fees. An application fee is charged to cover the costs of reviewing and acting upon permit applications. The application fee consists of a basic fee and any additional fees based on specific review actions required in certain cases. The application fee must be paid before the permitted source is authorized to operate on a permanent basis.

The enforcement and implementation fee is charged annually to cover the costs of implementing and enforcing the conditions of air pollution control permits which the department has issued. The implementation and enforcement fees are \$500 for major sources and \$200 for minor sources.

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Pursuant to the authority vested in the State of Wisconsin Natural Resources Board by ss. 144.31(1)(a) and (f), 144.399 and 227.014(2)(a), Stats., the State of Wisconsin Natural Resources Board hereby creates rules implementing s. 144.399, Stats., and revising the State Implementation Plan (SIP) developed under s. 144.31(1)(f), Stats., as follows:

SECTION 1. Chapter NR 410 is created to read:

## CHAPTER NR 410

## AIR PERMIT FEES

NR 410.01 PURPOSE. The purpose of this chapter is to establish, pursuant to s. 144.399, Stats., the requirements and the procedures for the payment of application fees and implementation and enforcement fees by persons who are required or authorized to obtain air pollution control permits.

NR 410.02 APPLICABILITY. This chapter applies to all persons who are required or authorized to obtain an air pollution control permit for the construction, reconstruction, replacement or modification and operation of an air contaminant source and to all persons who own or operate an air contaminant source for which an air pollution control permit has been issued.

NR 410.03 DEFINITIONS. The following definitions are applicable to the terms used in this chapter:

(1) "Air contaminant source" has the meaning designated in s. 144.30(2), Stats.

(2) "Air pollution control permit" has the meaning designated in s. 144.30(3), Stats.

(3) "Basic emissions unit" has the meaning designated in s. NR 154.01(27m).

(4) "Best available control technology" or "BACT" has the meaning designated in s. 144.30(9), Stats.

(5) "Emissions offset" means the reduction of emissions from existing sources to compensate for the increase in emissions from the construction, reconstruction, replacement or modification and operation of the source which is the subject of the permit application.

(6) "Environmental assessment" has the meaning designated in s. NR 150.02(8).

(7) "Lowest achievable emission rate" or "LAER" has the meaning designated in s. 144.30(15), Stats.

(8) "Major source" means any stationary source which is a nonattainment area major source or an attainment area major source under the criteria in s. 144.391(1)(a) or (2)(a), Stats.

(9) "Minor source" means any stationary source which is not a major source.

(10) "Modification" has the meaning designated in s. 144.30(20), Stats.

(11) "Nonattainment area source" means any source which is located in a nonattainment area or which may affect significantly the air quality in a nonattainment area and which, considering air pollution control equipment, is capable of emitting an air contaminant for which the area is classified as a nonattainment area.

(12) "Person" has the meaning designated in s. 144.01(9m), Stats.

NR 410.04 APPLICATION FEE. Except as provided under s. 144.399(3)(a), Stats., any person required or authorized under s. 144.391, Stats., to obtain an air pollution control permit shall pay an application fee, consisting of the sum of the basic fee under sub. (1) and any additional fees under sub. (2).

(1) BASIC FEES. (a) Except as provided in par. (b), each person who applies for and is issued an air pollution control permit for which an application fee is authorized shall pay a basic fee according to the following amounts:

1. \$1,050 if the permit is for the construction or replacement of a minor source;

4.

2. \$800 if the permit is for the modification of a minor source;

3. \$2,550 if the permit is for the construction, reconstruction or replacement of a major source; or

4. \$1,400 if the permit is for the modification of a major source.

(b) The basic fees prescribed in par. (a) shall be reduced by the following amounts:

1. \$100 if the permit applicant publishes the class 1 newspaper notice required under s. 144.392(5)(c), Stats., and

2. That portion of the amount of any environmental impact statement fee assessed under s. NR 150.11 which related to an air quality analysis as required under s. 144.399(2), Stats.

(2) ADDITIONAL FEES. In addition to the basic fee prescribed in sub. (1), each person who applies for and is issued an air pollution control permit for which an application fee is authorized shall pay the following applicable additional fees in the amounts indicated:

(a) \$250 if the permit application requires the review and analysis of 2 or more basic emissions units;

(b) \$200 if the permit application is for a nonattainment area source;

(c) \$800 if the permit application is for a source which requires an emissions offset;

(d) \$1,500 if the permit application is for a source which requires a BACT or LAER determination;

(e) \$500 if the permit application is for a source whose projected air quality impact requires a detailed air quality modeling analysis;

(f) \$500 if the permit application is for a source which may emit a toxic or hazardous substance listed in s. NR 154.04(2)(b)5. or 154.19;

5.

(g) \$150 if the permit application is for a source which requires an environmental assessment under ch. NR 150;

(h) \$500 if the permit application is for a source which requires a stack test prior to the department's issuance of a release for permanent operation; and

(i) \$250 if the permit application is for the modification of a major source whose net increase in emissions of any of the following pollutants would equal or exceed any of the following rates:

1. Carbon monoxide: 100 tons per year
2. Nitrogen oxides: 40 tons per year
3. Sulfur dioxide: 40 tons per year
4. Particulate matter: 25 tons per year
5. Volatile organic compounds: 40 tons per year
6. Lead: 0.6 tons per year
7. Asbestos: 0.007 tons per year
8. Beryllium: 0.0004 tons per year
9. Mercury: 0.1 tons per year
10. Vinyl chloride: 1 ton per year
11. Fluorides: 3 tons per year
12. Sulfuric acid mist: 7 tons per year
13. Hydrogen sulfide ( $H_2S$ ): 10 tons per year
14. Total reduced sulfur (including  $H_2S$ ): 10 tons per year
15. Reduced sulfur compounds (including  $H_2S$ ): 10 tons per year

(3) PAYMENT. The department shall mail a billing statement for the required application fee to the person applying for the permit at the time the permit is issued. The application fee shall be paid within 30 days of the date of the billing statement. The department may not issue the release for permanent operation of the source until the department receives full payment of the application fee.

NR 410.05 IMPLEMENTATION AND ENFORCEMENT FEE. (1) FEE REQUIRED. Any person who owns or operates an air contaminant source for which an air pollution control permit has been issued shall pay an annual fee for the implementation and enforcement of the permit conditions according to the amount established in sub. (2).

(2) AMOUNT OF FEE. The amount of the annual implementation and enforcement fee shall be:

- (a) \$500 per year for a major source; or
- (b) \$200 per year for a minor source.

(3) PAYMENT. Annually the department shall mail billing statements to persons owning or operating air contaminant sources for which the payment of an implementation and enforcement fee is required. Persons required to pay an enforcement and implementation fee shall pay the fee within 30 days of the date of the billing statement.

The foregoing rules were approved and adopted by the State of Wisconsin Natural Resources Board on January 25, 1984.

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

Dated at Madison, Wisconsin March 13, 1984

STATE OF WISCONSIN

DEPARTMENT OF NATURAL RESOURCES

By Carroll D. Besádný  
Carroll D. Besádný, Secretary

(SEAL)



State of Wisconsin

DEPARTMENT OF NATURAL RESOURCES

Carroll D. Besadny  
Secretary

BOX 7921  
MADISON, WISCONSIN 53707

March 13, 1984

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-45-83. These rules were reviewed by the Assembly Committee on Environmental Resources and the Senate Committee on Energy and Environmental Resources pursuant to s. 227.018, Stats. Summaries of the final regulatory flexibility analysis and comments of the legislative review committees is also enclosed.

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

Sincerely,

  
C. D. Besadny  
Secretary

Enc.  
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