

CR 86-115

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 12 1987
9:50am
Revisor of Statutes
Bureau

TO ALL TO WHOM THESE PRESENTS SHALL COME, GREETINGS:

I, Bruce B. Braun, Deputy 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-27-86 was duly approved and adopted by this Department on December 18, 1986. 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 10th day of March, 1987.

Bruce B. Braun
Bruce B. Braun, Deputy Secretary

(SEAL)

5-1-87

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

.....
IN THE MATTER of amending s. NR 431.05(1)(c) and :
creating s. NR 431.07 of the Wisconsin : A-27-86
Administrative Code pertaining to procedures :
establishing an alternate opacity limit. :
.....

Analysis Prepared by Department of Natural Resources

The rules are promulgated under the authority of ss. 144.31(1)(a), 144.38 and 227.11(2)(a), Stats., and interpret ss. 144.31(1)(a) and 144.38, Stats., and revise the State Implementation Plan (SIP) developed under s. 144.31(1)(f), Stats.

Under existing rules, an air pollution source in operation on or before February 1, 1975 which is in compliance with emission limits, but not the opacity (visible emission) limit, may have an alternate opacity limit set for the source. The alternate opacity limit may be set at 10% opacity above the average opacity during the stack test which demonstrates compliance with the other emission limits.

The proposed rule establishes criteria and procedures for setting an alternate opacity limit. To be eligible for an alternate opacity limit, a pre-February 1, 1975 source must be subject to specific emission limits for all pollutants contributing to the opacity and must be in compliance with those emission limits. The source cannot be a fugitive emission source, must operate in a manner which minimizes opacity and must install and operate a continuous emission monitor (CEM) for opacity (unless it can be demonstrated that an opacity CEM will not give representative readings).

The procedures for establishing an alternate opacity limit under the proposed rule include a 45-day notice to the department of the stack test conducted to establish the alternate opacity limit and departmental approval of the stack test plan and quality assurance plan for the opacity CEM, as well as performance and systems audit of the opacity monitor. The stack test must be conducted in accordance with standard methods and opacity data must be collected throughout the stack test.

SECTION 1. NR 431.05(1)(c) is amended to read:

NR 431.05(1)(c) For direct or portable sources in operation on or before February 1, 1975, where performance emission test data taken concurrently with Ringelmann or opacity readings or continuous emission monitor data show the

source to be in compliance with the applicable emission limits but not the Ringelmann or opacity limits. - In this case, Ringelmann or opacity limits shall be set at 0.5 Ringelmann or 10% opacity above the average read during the stack test. , an alternative opacity limit may be established according to methods and procedures set forth in s. NR 431.07.

SECTION 2. NR 431.07 is created to read:

NR 431.07 ESTABLISHING ALTERNATE OPACITY LIMITS. The department may set an alternate opacity limit for a source according to the criteria and certification procedures in this section.

(1) SOURCE CRITERIA. A source is eligible for an alternate opacity limit if it meets all of the following criteria:

(a) The source of emissions is not a fugitive emission source.

(b) The source is subject to an emission limitation in the form of a mass rate, stack gas concentration, or a fuel requirement for all pollutants that contribute to the opacity of a source's emissions.

(c) All emission units subject to the alternate opacity request are in compliance with all applicable provisions of chs. NR 400 to 499, ss. 144.30 to 144.426, Stats., and all permit conditions with the exception of visible emission limits.

(d) The owner or operator of the source installs and operates a continuous emission monitor (CEM) for opacity that meets the performance specifications in s. NR 439.07(3).

(e) The source is operated and maintained in such a manner as to minimize opacity through measures which are not discontinued once an alternate opacity limit is established.

(2) PROCEDURES. The procedure for establishing an alternate opacity limit is as follows:

(a) The source owner or operator shall notify the department in writing of its request to establish an alternate opacity limit at least 45 days prior to the performance of any testing for the purpose of establishing an alternate opacity limit. This notice shall include:

1. A test plan complying with s. NR 439.07(1); and
2. A quality assurance plan for the operation of a continuous emission monitor.

(b) The department shall review the notice required in par. (a) and shall approve, approve with conditions or disapprove the test and quality assurance plans within 30 days after receipt of the notice.

(c) Not more than 30 days prior to the emission test, the continuous emission monitor shall pass a performance and systems audit as required by s. NR 439.07(3).

(d) If a continuous emission monitor exemption is granted under sub. (3), the department shall provide a person who is certified in visible emission evaluation to read opacity throughout the entire emission test period.

(e) Opacity data shall be collected throughout the entire emission test period.

(f) The emission testing shall be conducted in accordance with the methods and procedures of ch. NR 439.

(3) EXEMPTION FROM CONTINUOUS EMISSION MONITOR REQUIREMENT. The department may exempt a source owner or operator from the continuous emission monitor requirements in subs. (1)(d) and (2) if the following conditions are met:

(a) The source owner or operator requests an exemption in filing the notice required under sub. (2)(a).

(b) The source owner or operator demonstrates that the continuous emission monitor for opacity will not give representative readings.

(c) The department reviews and approves the request for exemption.

(4) CALCULATION OF THE ALTERNATE OPACITY LIMIT. To calculate an alternate opacity limit:

(a) The average opacity during each repetition of the performance test shall be determined by summing the individual readings taken during that repetition, by a continuous emission monitor for opacity or the department's observer, and dividing the sum by the number of readings.

(b) The alternate opacity limit shall be established at 10% opacity above the arithmetic mean rounded to the nearest whole number of the average opacity values determined for each performance test repetition which demonstrates compliance with all other applicable emission limits.

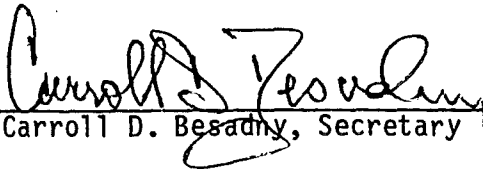
(5) RESTRICTION ON ESTABLISHING LIMIT. No alternate opacity limit may be established under this section if any other applicable emission limit would be violated by the source when operating at an opacity established under sub. (4).

The foregoing rule was approved and adopted by the State of Wisconsin Natural Resources Board on December 18, 1986.

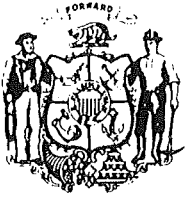
The rule shall take effect as provided in s. 227.22 (2) (intro.), Stats.

Dated at Madison, Wisconsin March 9, 1987

STATE OF WISCONSIN DEPARTMENT OF NATURAL RESOURCES

By 
Carroll D. Besadny, Secretary

(SEAL)



State of Wisconsin

DEPARTMENT OF NATURAL RESOURCES

Carroll D. Besadny
Secretary

BOX 7921
MADISON, WISCONSIN 53707

March 9, 1987

IN REPLY REFER TO: 1020

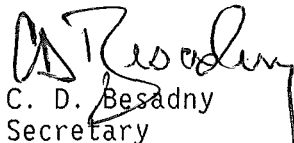
Mr. Orlan L. Prestegard
Revisor of Statutes
Suite 904
30 W. Mifflin Street

Dear Mr. Prestegard:

Enclosed are two copies, including one certified copy, of State of Wisconsin Natural Resources Board Order No. A-27-86. These rules were reviewed by the Assembly Committee on Environmental Resources and Utilities and the Senate Committee on Urban Affairs, Energy, Environmental Resources and Elections pursuant to s. 227.19, 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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