



State of Wisconsin

DEPARTMENT OF NATURAL RESOURCES

Carroll D. Besadny

Secretary

BOX 7921

MADISON, WISCONSIN 53707

CR 89-28

- STATE OF WISCONSIN)
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)
 DEPARTMENT OF NATURAL RESOURCES)

RECEIVED

AUG 15 1989

4:10 pm

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. AM-22-88 was duly approved and adopted by this Department on May 25, 1989. 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 here-
unto set my hand and affixed the
official seal of the Department at
the Natural Resources Building in
the City of Madison, this 15th
day of August, 1989.

Bruce B. Braun
Bruce B. Braun, Deputy Secretary

(SEAL)

10-1-89

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

.....
IN THE MATTER of repealing s. NR 404.04(3)(a); .
renumbering and amending s. NR 404.04(3)(b); .
amending s. NR 484.06(3); and creating s. .
NR 404.04(8) of the Wisconsin Administrative .
Code pertaining to particulate matter . AM-22-88
standards, including the addition of ambient .
air quality standards for particulate .
matter with a nominal aerodynamic diameter .
of 10 micrometers or less. .
.....

Analysis Prepared by the Department of Natural Resources

Statutory authority: ss. 144.31(1)(a), 144.375(1)(a) and (6)(a) and 227.11(2)(a), Stats.
Statutes interpreted: ss. 144.31(1)(f) and 144.375(1)(a) and (6)(a), Stats.

On July 1, 1987, the U.S. Environmental Protection Agency revised the primary and secondary national ambient air quality standards for particulate matter. Section 144.375(1)(a), Wisconsin Statutes, requires that if ambient air standards are promulgated by the federal government, the Department shall promulgate state standards, with certain exceptions.

The purpose of this rule is to comply with the statute; the federal standards for particulate matter (measured as PM10, particles with a nominal aerodynamic diameter of 10 microns or less) are being adopted by Wisconsin. In addition, the primary standards for total suspended particulate matter (TSP) which appear in s. NR 404.04(3)(a), Wis. Adm. Code, and the secondary annual standard in s. NR 404.04(3)(b)1., Wis. Adm. Code, are being repealed.

Finally, the Department is retaining the secondary 24-hour standard for total suspended particulates in s. NR 404.04(3)(b)2., Wis. Adm. Code, and amending the rule to clarify that this section of the rule is intended to measure particulate matter as total suspended particulates.

SECTION 1. NR 404.04(3)(a) is repealed.

SECTION 2. NR 404.04(3)(b) is renumbered 404.04(3) and amended to read:

NR 404.04(3) SECONDARY STANDARD. The secondary ~~standards~~ standard for particulate matter ~~are:~~ measured as total suspended particulates is

~~1. 60 micrograms per cubic meter annual geometric mean.~~

~~2.~~ 150 micrograms per cubic meter - maximum 24-hour average concentration, not to be exceeded more than once per year.

SECTION 3. NR 404.04(8) is created to read:

NR 404.04(8) PM₁₀: PRIMARY AND SECONDARY STANDARDS. (a) The primary and secondary standards for PM₁₀ are:

1. 50 micrograms per cubic meter (ug/m³) - annual arithmetic mean concentration.

2. 150 micrograms per cubic meter (ug/m³) - maximum 24-hour average concentration.

(b) The PM₁₀ standards are attained when:

1. The expected annual arithmetic mean concentration is less than or equal to 50 ug/m³, the level designated in par. (a)1.; and

2. The expected number of days per calendar year with a 24-hour average concentration above 150 ug/m³, the level designated in par. (a)2., is equal to or less than one; and

3. The expected concentrations and number of days are determined by the methodology contained in 40 CFR s. 50.6, Appendix K.

SECTION 4. NR 484.06(3) is amended to read:

NR 484.06(3) Appendices A to K of 40 CFR pt. 50 for ~~s.~~ ss. NR 404.02(8) and 404.04(8)(b)3.

The foregoing rule was approved and adopted by the State of Wisconsin Natural Resources Board on May 25, 1989.

The rule shall take effect on the first day of the month following publication in the Wisconsin administrative register as provided in s. 227.22(2)(intro), Stats.

Dated at Madison, Wisconsin August 4, 1989

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

August 4, 1989

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BOX 7921
MADISON, WISCONSIN 53707

Mr. Orlan L. Prestegard
Revisor of Statutes
Suite 702
30 W. Mifflin Street

Dear Mr. Prestegard:

Enclosed are two copies, including one certified copy, of State of Wisconsin Natural Resources Board Order No. AM-22-88. These rules were reviewed by the Assembly Committee on Environmental Resources and Utilities and the Senate Committee on Urban Affairs, Environmental Resources, Utilities and Elections pursuant to s. 227.19, Stats. A summary 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,

A handwritten signature in cursive script that reads 'C. D. Besadny'.

C. D. Besadny
Secretary

Enc.