



State of Wisconsin

DEPARTMENT OF NATURAL RESOURCES

Carroll D. Besadny, Secretary
Box 7921
Madison, Wisconsin 53707
TELEFAX NO. 608-267-3579
TDD NO. 608-267-6897

CR 88-32

RECEIVED

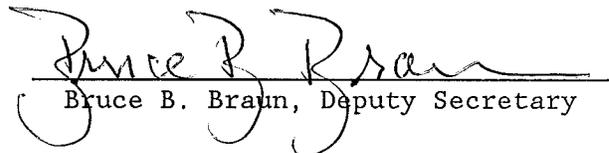
DEC 7 1989
8:45am
Revisor of Statutes
Bureau

STATE OF WISCONSIN)
)
DEPARTMENT OF NATURAL RESOURCES)

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-10-88 was duly approved and adopted by this Department on August 24, 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 28th
day of November, 1989.


Bruce B. Braun, Deputy Secretary

(SEAL)

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

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IN THE MATTER of repealing s. NR 425.04(3); renumbering
s. NR 425.04(3m); amending ss. NR 422.04(3), 422.05(3)(a)1.
and 2., 422.15(4)(b), 422.155(4) and 439.06(3)(e); and
creating s. NR 425.05 of the Wisconsin Administrative
Code, pertaining to internal offsets
.....

AM-10-88

Analysis Prepared by the Department of Natural Resources

Statutory authority: ss. 144.31(1)(a), 144.38 and 227.11(2)(a), Stats.

Statutes interpreted: s. 144.31(1)(f), Stats., and revise the State Implementation Plan (SIP) developed under that provision.

Under s. NR 425.04(3) surface coating and printing sources may, with department approval, comply with RACT VOC emission limitation by use of internal offsets. The U.S. EPA considers internal offsets to be alternate emission limitations and, therefore, requires promulgation of rule provisions consistent with the U.S. EPA Emissions Trading Policy Statement issued on December 4, 1986 (generic rules) or which requires submittal of each state approved internal offset as a source-specific revision to the state implementation plan. In the absence of federal approval, the U.S. EPA enforces categorical RACT VOC emission limitations against these sources. Therefore, in order to provide maximum flexibility, provisions are being added which allow the facility owner or operator to choose the approval procedure.

Changes are also being made to clarify that department approval is necessary before utilizing internal offsets as a compliance mechanism. In addition, policies under which internal offsets have been reviewed are now incorporated into the rule. Finally, the rule has been simplified by more clearly specifying the applicable emission limitations, and eliminating any variability in the averaging time period allowed. Cross references are also updated and corrected.

SECTION 1. NR 422.04(3) is amended to read:

NR 422.04(3) CAPTURE SYSTEMS. The design, operation, and efficiency of any capture system used in conjunction with sub. (1) (b), (c) or (d) shall be certified in writing by the owner or operator. The efficiency of the capture system shall be great enough to insure that the emission rate from the

SECTION 4. NR 422.155(4) is amended to read:

NR 422.155(4) INTERNAL OFFSETS. Coating operations subject to this section may not be involved in an internal offset under s. ~~NR 425.04(3)~~ NR 425.05.

SECTION 5. NR 425.04(3) is repealed.

SECTION 6. NR 425.04(3m), as affected by Order AM-20-89, is renumbered (3).

SECTION 7. NR 425.05 is created to read:

NR 425.05 INTERNAL OFFSETS. An owner or operator of a surface coating or printing facility subject to ss. NR 422.05 to 422.15 may achieve compliance with the emission limitations in those sections through the use of an internal offset provided the owner or operator has submitted, and the department has approved, an application under sub. (1) or (2). The owner or operator shall specify the subsection under which the application is submitted.

(1) SOURCE-SPECIFIC SIP REVISION. (a) Eligibility. The department may, by order issued under s. 144.31(2)(b), Stats., approve an application made under this subsection only if:

1. The construction or modification of each coating or printing line with emissions exceeding an applicable limitation was commenced on or before:

a. August 1, 1979, for sources covered under ss. NR 422.05(1), 422.06(1), 422.07(1), 422.08(1), 422.09(1), 422.10(1), 422.11(1) and 422.12(1); and

b. April 1, 1981, for sources covered under ss. NR 422.13(1), 422.14(1) and 422.15(1); and

$A_{1,2...n}$ = the allowable emission rate for each coating or printing line pursuant to ss. NR 422.05 to 422.15 in kilograms per liter (pounds per gallon) of coating or ink, excluding water, delivered to the applicator, $B_{1,2...n}$ = the amount of coating material or ink in liters (gallons), delivered to the applicator during the actual production day, $C_{1,2...n}$ = volume fraction of solids in the coating or ink, delivered to the applicator during the actual production day, and $D_{1,2...n}$ = theoretical volume fraction of solids, in the coating or ink necessary to meet the allowable emission rate for each coating or printing line pursuant to ss. NR 422.05 to 422.15 calculated from:

$$D_{1,2...n} = 1 - \frac{A_{1,2...n}}{P_{1,2...n}}$$

where $P_{1,2...n}$ = the density of the VOC used in the coating or ink delivered to the applicator during the actual production day in kilograms per liter (pounds per gallon). If the coating or ink does not contain any VOC's, or if the actual VOC density cannot be demonstrated by the owner or operator, a value of 0.88 kilograms per liter (7.36 pounds per gallon) shall be used for P; and

3. Establish recordkeeping requirements adequate to determine compliance and consistent with s. NR 439.04.

(c) Revocation. The department may, after notice and opportunity for hearing, revoke or modify any internal offset approved under this subsection when any term or condition of the approval has been violated, or for other reasons deemed necessary by the department.

1. Opportunity for public comment has been offered for a 30 day period through public notice, and where requested, a public hearing has been held. The department shall provide the Region V office of the U.S. EPA with a copy of the public notice, the department's technical analysis and the proposed decision by the first day of the public comment period; and

2. The owner or operator has demonstrated to the department's satisfaction that the allowable emission rates in pars. (b)1. and 2. can be met; and

3. The owner or operator has demonstrated to the department's satisfaction that the requirements of s. NR 439.04 can be met.

(b) Approval criteria. Any department approval of an application made under this subsection shall, at a minimum:

1. Establish an allowable emission rate for each of the coating and printing lines involved in the internal offset; and

2. Establish a combined daily allowable emission rate from all coating and printing lines involved in the internal offset equal to:

$$E = Y \left[\frac{A_1 B_1 C_1}{D_1} + \frac{A_2 B_2 C_2}{D_2} + \dots + \frac{A_n B_n C_n}{D_n} \right]$$

where E = the total daily allowable emissions from all of the coating and printing lines involved in the internal offset in kilograms (pounds), Y = 1 for facilities located in areas designated attainment or unclassified for ozone or in areas designated nonattainment for ozone with a federally approved demonstration of attainment, and Y = 0.8 for facilities located in areas

3. Establish recordkeeping requirements adequate to determine compliance and consistent with s. NR 439.04.

(c) Revocation. The department may, after notice and opportunity for hearing, revoke or modify any internal offset approved under this subsection when any term or condition of the approval has been violated, or for other reasons deemed necessary by the department.

(d) Additional requirements. 1. Notwithstanding s. NR 425.04(5), to demonstrate compliance under this subsection, actual emissions from all coating and printing lines participating in an internal offset must be less than or equal to allowable emissions as calculated using the equation in par. (b)2.

2. Emission reductions from shutdowns or production curtailments or which were claimed in the state's federally approved demonstration of attainment, or any subsequent updated demonstration of attainment, may not participate in an internal offset.

3. Coating and printing lines subject to chs. NR 405, 440 or 446 to 449, or a lowest achievable emission rate (LAER) emission limitation may participate in an internal offset under this subsection only if the owner or operator has certified, and the department has confirmed, that such lines are in compliance with all applicable requirements of those chapters or LAER.

4. Daily VOC emissions in excess of those allowed under ss. NR 422.05 to 422.15 shall be offset through an approval issued under this subsection by VOC emission reductions achieved after an application to use internal offsets has been submitted.

(e) New or modified lines. An owner or operator may include in an application under this subsection coating or printing lines constructed or

(c) Federal approval. Any compliance extension authorization under par. (a) may not become effective for federal purposes until:

1. It has been submitted to the administrator of the U.S. environmental protection agency pursuant to applicable law, including but not limited to 42 U.S.C. 7410, as amended, and 40 CFR Parts 51 and 52, as amended, and all substantive requirements of the federal law have been met, and

2. It has been approved by the administrator or designee as a revision to the state implementation plan.

(4) ENFORCEABILITY. The emission limitations and conditions of any approval issued under this section are enforceable under s. 144.426, Stats.

SECTION 8. NR 439.06(3)(e) is amended to read:

NR 439.06(3)(e) To determine compliance with an internal offset, the equations in ~~s. NR 425.04(3)~~ ss. NR 425.05(1)(b)2 or (2)(b)2.

The foregoing rules were approved and adopted by the State of Wisconsin Natural Resources Board on August 24, 1989.

The rules shall take effect 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 November 28, 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
Box 7921
Madison, Wisconsin 53707
TELEFAX NO. 608-267-3579
TDD NO. 608-267-6897

November 28, 1989

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DEC 7 1989

Revisor of Statutes
Bureau

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-10-88. 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. Summaries of the final regulatory flexibility analysis and comments of the legislative review committees are 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.



State of Wisconsin \ DEPARTMENT OF NATURAL RESOURCES

Carroll D. Besadny, Secretary
Box 7921
Madison, Wisconsin 53707
TELEFAX NO. 608-267-3579
TDD NO. 608-267-6897

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DEC 5 1989

November 1, 1989

Revisor of Statutes
Bureau

IN REPLY REFER TO: 8300

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The Honorable Donald J. Hanaway
Attorney General
Room 114 East
State Capitol

Mr. Orlan Prestegard
Revisor of Statutes
Room 702
30 W. Mifflin St.
Madison, WI

SUBJECT: Incorporation by Reference of Standard Test Methods Into Chapter
NR 440, Wis. Adm. Code

Gentlemen:

Pursuant to s. 227.21, Wis. Statutes, your consent is hereby requested for incorporation by reference into Chapter NR 440, Wis. Adm. Code, of certain standard test methods (copies enclosed, to be retained by Revisor's office). The test methods for which incorporation is being sought are standardized methods used to measure air pollutants in connection with administration of the New Source Performance Standards program.

The materials for which incorporation by reference is requested involve rules which are of limited public interest and copies of the materials are readily available in published form. Incorporation by reference of these test methods will avoid the unwarranted expense of reproducing these materials in the administrative rules. Materials similar to those for which incorporation by reference is being requested herein have been incorporated by reference in existing provisions of Wisconsin's air pollution control rules and are identified in s. NR 440.17 and ch. NR 484, Wis. Adm. Code.

DEPT. JUSTICE

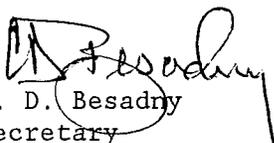
The rules affected by this request are contained in Natural Resources Board Order AM-49-89 (copy enclosed) and consist of revisions to ch. NR 440, Wis. Adm. Code. These rules contain revisions and additions to the New Source Performance Standards. Section NR 440.17, Wis. Adm. Code, incorporates the test methods referenced in ch. NR 440, Wis. Adm. Code, states how the incorporated materials may be obtained and states that the materials are on file at the offices of this Department, the Secretary of State and the Revisor of Statutes in Madison.

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If the proposed incorporation by reference meets with your approval, please so note at the end of this letter and return it to this Department - attention Marcia Penner, Bureau of Legal Services. Your cooperation in this matter is appreciated. Any questions should be directed to Marcia Penner at 266-2132 or Imelda Stamm of our Bureau of Air Management at 266-0244.

Sincerely,

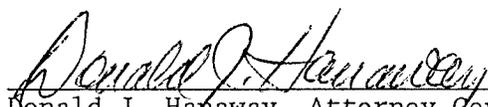

C. D. Besadny
Secretary

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Enclosures

cc: Marcia Penner - LC/5
Carol Turner - LC/5
Imelda Stamm - AM/3

APPROVED:



Donald J. Hanaway, Attorney General

11-28-89

Date



Orlan L. Prestegard, Revisor of Statutes

11-29-89

Date