



CR 91-6

State of Wisconsin \ DEPARTMENT OF NATURAL RESOURCES

Carroll D. Besadny
Secretary

101 South Webster Street
Box 7921
Madison, Wisconsin 53707
TELEPHONE 608-266-2621
TELEFAX 608-267-3579
TDD 608-267-6897

STATE OF WISCONSIN)
)
DEPARTMENT OF NATURAL RESOURCES) ss

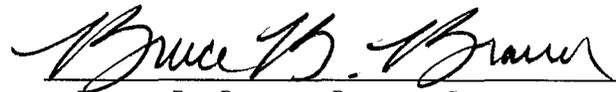
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TO ALL TO WHOM THESE PRESENTS SHALL COME, GREETINGS:

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-56-90 was duly approved and adopted by this Department on August 29, 1991. 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 November, 1991


Bruce B. Braun, Deputy Secretary

(SEAL)

3-1-92

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

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.....
IN THE MATTER of amending ss. NR 404.05 .
(2)(intro.), (3)(intro.) and (4)(intro.), .
405.02(24)(d), 405.04(1)(e), (2), (3) and .
and 405.14(4) and (7); and creating s. .
NR 404.05(2)(c), (3)(c) and (4)(c) of the . AM-56-90
Wisconsin Administrative Code, pertaining .
to nitrogen dioxide Prevention of .
Significant Deterioration increments .
.....

Analysis Prepared by the Department of Natural Resources

Statutory authority: ss. 144.391, 144.392, 144.393(3)(c) and 144.375(1)(a),
Stats.

Statutes interpreted: ss. 144.391, 144.392, 144.393(3)(c), and 144.375(1)(a),
Stats.

On October 17, 1988, the U.S. Environmental Protection Agency promulgated new regulations regarding the Prevention of Significant Deterioration (PSD) permit program under section 166 of the federal Clean Air Act. Section 144.375(1)(a), Wisconsin Statutes, requires that if ambient air standards are promulgated by the federal government, the Department shall promulgate corresponding state standards, with certain exceptions.

The purpose of this rule is to comply with the statute. The nitrogen dioxide increments for Class I PSD areas are added to s. NR 404.05(2), for Class II PSD areas to s. NR 404.05(3), and for Class III PSD areas to s. NR 404.05(4). In ch. NR 405 the definition of "net emissions increase" is amended to address nitrogen dioxide emissions in s. NR 405.02(24)(d) and similar changes are made in s. NR 405.04(1)(e) and (4)(a) dealing with exclusions from increment consumption. In addition the Class II PSD nitrogen dioxide increments are being added to the variance language for Class I areas in s. NR 405.14(4). Minor changes are also made to bring language in s. NR 405.04(2) and (3) (intro.) accord with requirements of the Revisor of Statutes and to clarify a table title in s. NR 405.14(7).

SECTION 1. NR 404.05(2)(intro.) is amended to read:

NR 404.05(2)(intro.) CLASS I INCREMENTS. In any area of this state classified under the federal clean air act as a class I area, the ambient air ~~increment~~ increments of ~~sulfur dioxide and particulate matter,~~ sulfur dioxide and nitrogen dioxide may not exceed the following amounts:

SECTION 2. NR 404.05(2)(c) is created to read:

NR 404.05(2)(c) Nitrogen dioxide.

Annual arithmetic mean 2.5 micrograms per cubic meter

SECTION 3. NR 404.05(3)(intro.) is amended to read:

NR 404.05(3)(intro.) CLASS II INCREMENTS. In any area of this state classified under the federal clean air act as a class II area, the ambient air increments of ~~sulfur dioxide and particulate matter~~, sulfur dioxide and nitrogen dioxide may not exceed the following amounts:

SECTION 4. NR 404.05(3)(c) is created to read:

NR 404.05(3)(c) Nitrogen dioxide.

Annual arithmetic mean 25.0 micrograms per cubic meter

SECTION 5. NR 404.05(4)(intro.) is amended to read:

NR 404.05(4)(intro.) CLASS III INCREMENTS. In any area of this state classified under the federal clean air act as a class III area, the ambient air increments of ~~sulfur dioxide and particulate matter~~, sulfur dioxide and nitrogen dioxide may not exceed the following amounts:

SECTION 6. NR 404.05(4)(c) is created to read:

NR 404.05(4)(c) Nitrogen dioxide.

Annual arithmetic mean 50.0 micrograms per cubic meter

SECTION 7. NR 405.02(24)(d) is amended to read:

NR 405.02(24)(d) An increase or decrease in actual emissions of sulfur dioxide, nitrogen dioxide or particulate matter which occurs before the

SECTION 7. NR 405.02(24)(d) is amended to read:

NR 405.02(24)(d) An increase or decrease in actual emissions of sulfur dioxide, nitrogen dioxide, or particulate matter which occurs before the applicable baseline date is creditable only if it is required to be considered in calculating the amount of maximum allowable increases remaining available.

SECTION 8. NR 405.04(1)(e), (2), (3) and (4)(a) are amended to read:

NR 405.04(1)(e) Concentrations attributable to the temporary increase in emissions of sulfur dioxide, nitrogen dioxide, or particulate matter from stationary sources which are affected by plan revisions approved by the administrator of U.S. EPA as meeting the criteria specified in sub. (4).

(2) ~~All~~ No sources which have concentrations which are excluded from increment consumption under sub. (1)(a) and (b) ~~shall no~~ may any longer have those concentrations excluded 5 years after the effective date of the order to which sub.(1)(a) refers or the plan to which sub. (1)(b) refers, whichever is applicable. If both such order and plan are applicable, no such exclusion ~~shall~~ may apply more than 5 years after the later of such effective dates.

(3) No exclusion under this section ~~shall~~ may occur later than 9 months after August 7, 1980, unless the department submits a state implementation plan revision meeting the requirements of 40 C.F.R. 51.24 to the administrator of U.S. EPA.

(4)(a) Specifies the time over which the temporary emissions increase of sulfur dioxide, nitrogen dioxide, or particulate matter would occur. Such time is not to exceed 2-years in duration unless a longer time is approved by the administrator of U.S. EPA;

SECTION 9. NR 405.14(4) and (7) are amended to read:

NR 405.14(4) CLASS I VARIANCES. The owner or operator of a proposed major source or modification may demonstrate to the federal land manager that the emissions from such source would have no adverse impact on the air quality-related values of such lands (including visibility), notwithstanding that the change in air quality resulting from emissions from such source or modification would cause or contribute to concentrations which would exceed the maximum allowable increases for a Class I area. If the federal land manager concurs with such demonstration and so certifies to the department, the department may, provided that applicable requirements of this chapter are otherwise met, issue the permit with such emission limitations as may be necessary to assure that emission of sulfur dioxide, nitrogen dioxide and particulate matter would not exceed the following maximum allowable increases over baseline concentration for such air contaminants.

	Maximum Allowable Increase (micrograms per cubic meter)
Particulate matter	
Annual geometric mean	19
24-hour maximum	37
Sulfur dioxide	
Annual arithmetic mean	20
24-hour maximum	91
3-hour maximum	325
<u>Nitrogen dioxide</u>	
<u>Annual arithmetic mean</u>	<u>25</u>

(7) EMISSION LIMITATIONS FOR PRESIDENTIAL DENIAL OR DEPARTMENTAL VARIANCE. In the case of a permit issued under procedures developed pursuant to sub. (5) or (6), the major source or major modification shall comply with emission limitations as may be necessary to assure that emissions of sulfur

dioxide from the major source or major modification would not (during any day on which the otherwise applicable maximum allowable increases are exceeded) cause or contribute to concentrations which would exceed the following maximum allowable increases over the baseline concentration and to assure that such emissions would not cause or contribute to concentrations which exceed the otherwise applicable maximum allowable increase for periods of exposure of 24 hours or less for more than 18 days, not necessarily consecutive, during any annual period.

MAXIMUM ALLOWABLE SO₂ INCREASE

(Micrograms per cubic meter)

Period of exposure	Terrain areas	
	Low	High
24-hour maximum	36	62
3-hour maximum	130	221

The foregoing rule was approved and adopted by the State of Wisconsin Natural Resources Board on August 29, 1991.

The rule shall take effect as provided in s. 227.22(2)(intro), Stats., on the first day of the month commencing after the date of publication.

Dated at Madison, Wisconsin November 1, 1991.

STATE OF WISCONSIN
DEPARTMENT OF NATURAL RESOURCES

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By Carroll D. Besadny
Carroll D. Besadny, Secretary

(SEAL)



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Carroll D. Besadny
Secretary

101 South Webster Street
Box 7921
Madison, Wisconsin 53707
TELEPHONE 608-266-2621
TELEFAX 608-267-3579
TDD 608-267-6897

November 1, 1991

Mr. Gary L. Poulson
Assistant Revisor of Statutes
119 Martin Luther King, Jr., Blvd.

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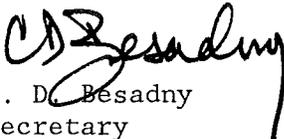
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Dear Mr. Poulson:

Enclosed are two copies, including one certified copy, of State of Wisconsin Natural Resources Board Order No. AM-56-90. These rules were reviewed by the Assembly Committee on Urban Affairs, Environmental Resources and Elections and the Senate Committee on Urban Affairs, Environmental Resources 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.