



CR 91-163

State of Wisconsin \ DEPARTMENT OF NATURAL RESOURCES

Carroll D. Besadny
Secretary

101 South Webster Street
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STATE OF WISCONSIN)
)
DEPARTMENT OF NATURAL RESOURCES) ss

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-40-91 was duly approved and adopted by this Department on April 23, 1992 and October 29, 1992. 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 25th
day of November, 1992.

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Bruce B. Braun
Bruce B. Braun, Deputy Secretary

(SEAL)

2-1-93

ORDER OF THE STATE OF WISCONSIN
NATURAL RESOURCES BOARD
CREATING RULES

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.....
IN THE MATTER of creating s. NR 445.05(7)(c) of the .
Wisconsin Administrative Code, pertaining to the .
extension of compliance deadlines for chloroform .
emissions for members of the pulp and paper .
industry. .
.....

AM-40-91

Analysis Prepared by the Department of Natural Resources

Authorizing statutes: ss. 144.31(1)(a), 144.375(5)(b), 144.38 and
227.11(2)(a), Stats.

Statutes interpreted: ss. 144.31(2)(a), 144.375(5)(b) and 144.38, Stats.

The hazardous air contaminant rule currently requires sources of chloroform emissions to control their emissions of chloroform to a level which is the best available control technology (BACT). The final compliance deadline for achieving the emission limit for chloroform is April 1, 1993 if compliance involves measures other than installation of control equipment, or April 1, 1994 if compliance requires installation of control equipment.

The rule revision authorizes the department to grant an extension to the final compliance deadline date for sources of chloroform in the pulp and paper industry provided the owner or operator of the source submits in writing a request for an extension at least 180 days before the source's final compliance deadline and demonstrates that reasonable progress is being made toward meeting the BACT requirements, good faith efforts have been made to comply with the final compliance deadline, all reasonably available alternatives for compliance have been evaluated and that compliance with the final deadlines is technologically infeasible, would cause substantial economic detriment to the source or would result in a significant problem associated with another inconsistent compliance deadline which applies to the source. Any request for an extension is subject to a public notice, 30-day public comment period and the opportunity for a public hearing.

SECTION 1. NR 445.05(7)(c) is created to read:

NR 445.05(7)(c) 1. An owner or operator of a source in the pulp and paper industry may obtain up to a 2 year extension of the compliance deadlines in sub. (6)(g)3 or par. (b)3 for chloroform emissions, if the owner or operator at least 180 days prior to the final compliance deadline in sub.

The foregoing rule was approved and adopted by the State of Wisconsin Natural Resources Board on April 23, 1992 and October 29, 1992.

The rule 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 25, 1992.

STATE OF WISCONSIN
DEPARTMENT OF NATURAL RESOURCES

By Carroll D. Besadny
Carroll D. Besadny, Secretary

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November 25, 1992

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

Dear Mr. Poulson:

Enclosed are two copies, including one certified copy, of State of Wisconsin Natural Resources Board Order No. AM-40-91. These rules were reviewed by the Assembly Committee on Environmental Resources, Utilities and Mining 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.