Chapter NR 407

OPERATION PERMITS

NR 407.01 Applicability; purpose. (1) APPLICABILITY. This chapter applies to all stationary sources which are required under s. 144.391, Stats., to obtain an operation permit. In accordance with s. 144.391 (6), Stats., sources of certain sizes and types are exempt under s. NR 407.03 from the requirement to obtain an operation permit.

(2) PURPOSE. This chapter is adopted under ss. 144.31 (1) (a), (e), (f), and (r), 144.374, 144.38, 144.391, 144.3925, 144.394 (13) and 144.395, Stats., to establish a schedule of dates for the submission of operation permit applications and a schedule of dates for requiring operation permits for various categories of existing sources and to specify the content of operation permit applications and operation permits. This chapter also sets forth procedures for revising, suspending and revoking operation permits.

History: Cr. Register, December, 1984, No. 348, eff. 1-1-85; am. (1), Register, May, 1992, No. 437, eff. 6-1-92; am. Register, December, 1993, No. 456, eff. 1-1-94.

NR 407.02 Definitions. The definitions contained in chs. NR 400 and 406 apply to the terms used in this chapter. In addition, the following definitions apply to the terms used in this chapter:

(1) "Acid rain allowance" or "allowance" means an authorization by the administrator under the acid rain program to emit up to one ton of sulfur dioxide during or after a specified calendar year.

(2) "Acid rain provision" means any provision of an operation permit implementing an applicable requirement of the acid rain program.

(3) "Affected state" means:

(a) Any state that is within 50 miles of the stationary source obtaining an operation permit or undergoing revision or renewal of its operation permit; or

(b) Michigan, Illinois, Iowa or Minnesota if that state's air quality may be affected by the stationary source obtaining an operation permit or undergoing revision or renewal of its operation permit.

(4) "Affected unit" means an emissions unit that is subject to any emissions reduction requirement or emissions limitation under the acid rain program.

(5) "Allowance tracking system" means the acid rain program system by which the administrator allocates, records, deducts and tracks allowances.

(6) "Allowance tracking system account" means an account in the allowance tracking system established by the administrator for purposes of allocating, holding, transferring and using allowances.

(7) "Baseline", for purposes of the acid rain program, means the annual average quantity of fossil fuel consumed by a unit, measured in millions of btus for calendar years 1985 through 1987; provided that in the event that a unit is listed in the NADB, the baseline will be calculated for each unit-generator pair that includes the unit, and the unit's baseline will be the sum of such unit-generator baselines. The unit-generator baseline shall be as provided in the NADB under the data field "BASE8587", as adjusted by the outage hours listed in the NADB under the data field "OUTAGEHR" in accordance with the following equation:

Baseline = BASE8587 × [26280/(26280 − OUTAGEHR)] × [36/(36 − months not on line)] × 10^6,

where "months not on line" is the number of months during January 1985 through December 1987 prior to the commencement of firing for units that commenced firing in that period, i.e., the number of months, in that period, prior to the on-line month listed under the data field "BLRMNONL" and the on-line year listed in the data field "BLRYRONL" in the NADB.

(8) "Clean coal technology" means atmospheric or pressurized fluidized bed combustion, integrated gasification combined cycle, magnetohydrodynamics, direct and indirect coal-fired turbines, integrated gasification fuel cells, or as determined by the administrator, in consultation with the secretary of the U.S. department of energy, a derivative of one or more of these technologies, and any other technology capable of controlling multiple combustion emissions simultaneously with improved boiler or generation efficiency and with significantly greater waste reduction relative to the performance of technology in widespread commercial use as of November 15, 1990.

(9) "Commence commercial operation" means to have begun to generate electricity for sale, including the sale of test generation.

(10) "Compensating unit" means a unit that is not otherwise subject to acid rain program emissions limitations or emissions reduction requirements during phase I and that is designated as a phase I unit in a reduced utilization plan under 40 CFR 72.43, provided that a unit that is not an affected unit under the acid rain program may not be a compensating unit.

(11) "Compliance option", for purposes of the acid rain program, means any of the 4 strategies specified in 40 CFR 72.40 to 72.44 for complying with the acid rain program. Subpart D lists 4 options: phase I substitution plans, phase I extension plans, phase I reduced utilization plans and phase II repowering extensions.

(12) "Compliance plan", for purposes of the acid rain program, means the document submitted for an affected source in accordance with an acid rain permit application under 40 CFR 72.30 to 72.33, specifying the

methods, including one or more compliance options under 40 CFR 72.40 to 72.44, by which each affected unit at the source will meet the applicable emissions limitations and emissions reduction requirements of the acid rain program.

(13) "Emissions allowable under the permit" means an enforceable permit term or condition required by an applicable requirement that establishes an emission limit, including a work practice standard, or a federally enforceable emissions cap that the source has assumed to avoid an applicable requirement to which the source would otherwise be subject.

(14) "Excess acid rain emissions" means:

(a) Any tonnage of sulfur dioxide emitted by an affected unit during a calendar year that exceeds the emissions limitation in the acid rain program for sulfur dioxide for the unit; and

(b) Any tonnage of nitrogen oxides emitted by an affected unit during a calendar year that exceeds the annual tonnage equivalent of the emissions limitation in the acid rain program for nitrogen oxides applicable to the affected unit taking into account the unit's heat input for the year.

(15) "Excess emission offset requirement" means a requirement to reduce excess acid rain emissions pursuant to 40 CFR 77.1 to 77.6 by offsetting excess emissions of sulfur dioxide that have occurred at an affected unit in any calendar year.

(16) "General operation permit" means an operation permit that may be made applicable to numerous similar stationary sources.

(17) "Major source" means any stationary source, or any group of stationary sources, that is located on one or more contiguous or adjacent properties, is under common control of the same person or persons under common control, belongs to a single major industrial grouping and that is described in par. (a), (b) or (c). For the purposes of defining "major source", a stationary source or group of stationary sources shall be considered part of a single major industrial grouping if all of the pollutant emitting activities at the source or group of sources have the same 2-digit code as described in the Standard Industrial Classification Manual, 1987, incorporated by reference in ch. NR 484.

(a) A stationary source that, for pollutants other than radionuclides, emits or has the potential to emit, in the aggregate, 10 tons per year (tpy) or more of any hazardous air pollutant which has been listed pursuant to section 112 (b) of the act (42 USC 7412 (b)), 25 tpy or more of any combination of those hazardous air pollutants, or a lesser quantity as the administrator may establish by rule. Notwithstanding the preceding sentence, emissions from any oil or gas exploration or production well, with its associated equipment, and emissions from any pipeline compressor or pump station may not be aggregated with emissions from other similar units, whether or not the units are in a contiguous area or under common control, to determine whether the units or stations are major sources;

(b) A stationary source that directly emits, or has the potential to emit, 100 tpy or more of any air contaminant. The fugitive emissions of a stationary source may not be considered in determining whether it is a major source for the purposes of this definition, unless the source belongs to one of the following categories of stationary sources:

1. Coal cleaning plants with thermal dryers;

2. Kraft pulp mills;

3. Portland cement plants;

4. Primary zinc smelters;

5. Iron and steel mills;

6. Primary aluminum ore reduction plants;

7. Primary copper smelters;

8. Municipal incinerators capable of charging more than 250 tons of refuse per day;

9. Hydrofluoric, sulfuric or nitric acid plants;

10. Petroleum refineries;

11. Lime plants;

12. Phosphate rock processing plants;

13. Coke oven batteries;

14. Sulfur recovery plants;

15. Carbon black plants, furnace process;

16. Primary lead smelters;

17. Fuel conversion plants;

18. Sintering plants;

19. Secondary metal production plants;

20. Chemical process plants;

21. Fossil-fuel boilers, or combination thereof, totaling more than 250 million British thermal units per hour heat input;

22. Petroleum storage and transfer units with a total storage capacity exceeding 300,000 barrels;

23. Taconite ore processing plants;

24. Glass fiber processing plants;

25. Charcoal production plants;

26. Fossil-fuel-fired steam electric plants of more than 250 million British thermal units per hour heat input; or

27. All other stationary source categories regulated by a standard promulgated under section 111 or 112 of the act (42 USC 7411 or 7412), but fugitve emissions shall be considered only for those air contaminants that have been regulated for that category; or

(c) A major stationary source as defined in part D of title I of the act (42 USC 7501 to 7515), which is defined as:

1. For ozone nonattainment areas, sources with the potential to emit 100 tpy or more of volatile organic compounds or oxides of nitrogen in areas classified as "marginal" or "moderate", 50 tpy or more in areas classified as "serious", 25 tpy or more in areas classified as "severe", and 10 tpy or more in areas classified as "extreme"; except that the references in this paragraph to 100, 50, 25 and 10 tpy of nitrogen oxides do not apply with respect to any source for which the administrator has made a finding, under section 182 (f) (1) or (2) of the act (42 USC 7511a (f) (1) or (2)), that requirements under section 182 (f) of the act (42 USC 7511a (f)) do not apply;

2. For ozone transport regions established pursuant to section 184 of the act (42 USC 7511c), sources with the potential to emit 50 tpy or more of volatile organic compounds;

3. For carbon monoxide nonattainment areas that are classified as "serious", and in which stationary sources contribute significantly to carbon monoxide levels as determined under rules issued by the administrator, sources with the potential to emit 50 tpy or more of carbon monoxide; and

4. For particulate matter (PM10) nonattainment areas classified as "serious", sources with the potential to emit 70 tpy or more of PM10.

(18) "Nameplate capacity" means the maximum electrical generating output, expressed in megawatts of electricity, that a generator can sustain over a specified period of time when not restricted by seasonal or other deratings, as listed in the NADB under the data field "NAMECAP" if the generator is listed in the NADB or as measured in accordance with the United States department of energy standards if the generator is not listed in the NADB.

(19) "National allowance data base" or "NADB" means the data base established by the administrator under s. 402 (4) (C) of the act (42 USC 7651a (4) (c)).

(20) "Non-part 70 source" means any stationary source required to obtain an operation permit that is not a part 70 source.

(21) "Offset plan", for purposes of the acid rain program, means a plan pursuant to 40 CFR 77.1 to 77.6 for offsetting excess emissions of sulfur dioxide that have occurred at an affected unit in any calendar year.

(22) (a) "Part 70 source" means any of the following stationary sources, except as provided in par. (b):

1. Any major source.

2. Any source subject to a standard, limitation or other requirement under section 111 of the act (42 USC 7411).

3. Any source subject to a standard or other requirement under section 112 of the act (42 USC 7412), except for a source subject solely to regulations or requirements under section 112 (r) of the act (42 USC 7412 (r)).

4. Any affected source.

(b) Notwithstanding par. (a), all sources listed in par. (a) 2 or 3 that are not major sources, affected sources or solid waste incineration units

required to obtain permits pursuant to section 129 (e) of the act (42 USC 7429 (e)) are not part 70 sources.

(23) "Phase I" means the acid rain program period beginning January 1, 1995 and ending December 31, 1999.

(24) "Phase II" means the acid rain program period beginning January 1, 2000 and continuing into the future.

(25) "Qualifying phase I technology" means a technological system of continuous emission reduction that is demonstrated to achieve at least a 90% reduction in emissions of sulfur dioxide relative to the emissions that would have resulted from the use of fossil fuels that were not subject to treatment prior to combustion, as provided in 40 CFR 72.42.

(26) "Qualifying repowering technology" means:

(a) Replacement of an existing coal-fired boiler with one of the clean coal technologies; or

(b) Any oil-fired or gas-fired unit that has been awarded clean coal technology demonstration funding as of January 1, 1991, by the U. S. department of energy.

(27) "Recordation", "record" or "recorded" means, with regard to allowances, the transfer of allowances by the administrator from one allowance tracking system account or subaccount to another.

(28) "Reduced utilization" means a reduction, during any calendar year in phase I, in the heat input, expressed in millions of btus for the calendar year, at a phase I unit below the unit's baseline, where the reduction subjects the unit to the requirement to file a reduced utilization plan under 40 CFR 72.43.

(29) "Reduced utilization plan" means a compliance plan submitted by the designated representative under 40 CFR 72.43 for the purpose of identifying an affected unit's method of complying with the applicable sulfur dioxide and nitrogen oxides emission limitations.

(30) "Repowering extension plan" means a compliance plan submitted by the designated representative under 40 CFR 72.44 for the purpose of identifying an affected unit's method of complying with the applicable sulfur dioxide and nitrogen oxides emission limitations.

(31) "Renewal" means the process by which an operation permit is reissued at the end of its term.

(32) "State-only requirement" means a requirement designated under s. NR 407.09 (3) (b) as not being federally enforceable.

(33) "Substitution plan" means a compliance plan submitted by the designated representative under 40 CFR 72.41 for the purpose of identifying an affected unit's method of complying with the applicable sulfur dioxide and nitrogen oxides emission limitations.

(34) "Substitution unit" means an affected unit, other than a unit under s. 410 of the act (42 USC 7651), that is designated as a phase I unit in a substitution plan under 40 CFR 72.41.

(35) "Synthetic minor source" means any stationary source that has its potential to emit limited by federally-enforceable permit conditions so that it is not a major source.

History: Cr. Register, December, 1984, No. 348, eff. 1-1-85; renum. (1) to be (intro.), cr. (1), Register, September, 1986, No. 369, eff. 10-1-86; r. and recr. Register, December, 1993, No. 456, eff. 1-1-94.

NR 407.025 Permit flexibility. (1) (a) The owner or operator of an existing source that has an operation permit, or for which a timely and complete application has been submitted, may make a change to the stationary source that contravenes an express term of an operation permit without first obtaining a permit revision if all the following apply:

1. The change does not violate applicable requirements or contravene permit terms and conditions that are monitoring, including use of specified test methods, recordkeeping, reporting or compliance certification requirements;

2. The change is not a modification as defined in s. 144.30 (20), Stats., and rules promulgated thereunder;

3. The change does not cause the existing source to exceed the emissions allowable under the permit, whether expressed in the permit as an emissions rate or in terms of total emissions; and

4. Notice is given and the department does not inform the owner or operator of the stationary source that the change is not authorized, as provided in par. (b).

(b) 1. For each change allowed under par. (a), the owner or operator of the existing source shall provide the department and, for part 70 sources, the administrator, with written notification of the proposed change a minimum of 21 days in advance of the date on which the proposed change is to occur. The written notification shall include a brief description of the change within the stationary source, the date on which the change will occur, any change in emissions, and any permit term or condition that is no longer applicable as a result of the change.

2. The owner or operator of the existing source may not make the proposed change if department informs the person before the end of the 21-day period provided in subd. 1 that the proposed change is not one authorized under this subsection.

(c) The owner or operator of the existing source, the department and the EPA, if applicable, shall attach each notification of a change made under this subsection to their copy of the relevant operation permit.

(d) The permit shield described in s. 144.3925 (9) (b), Stats., may not apply to any change made pursuant to this subsection.

(2) (a) The department shall, if a owner or operator of an existing source requests it, issue an operation permit that contains terms and conditions, including all terms required under s. NR 407.09 (1), (2) and (4), allowing for the trading of emissions increases and decreases at the existing source solely for the purpose of complying with a federally-enforceable emissions cap that is established in the operation permit independent of otherwise applicable requirements. The permit applicant shall include in the application proposed replicable procedures and permit terms that ensure the emissions trades are quantifiable and enforceable.

The department may not include in the emissions trading provisions any emissions units for which emissions are not quantifiable or for which there are no replicable procedures to enforce the emissions trades. Any operation permit issued pursuant to this subsection shall require compliance with all applicable requirements.

(b) For any trade allowed in an operation permit pursuant to par. (a), the owner or operator of the existing source shall provide the department and, for part 70 sources, the administrator, with written notification a minimum of 7 days in advance of the date on which the proposed trade is to occur. The written notification shall state when the change is proposed to occur and shall describe the changes in emissions that will result and how these changes in emissions will comply with the terms and conditions of the permit.

(c) The permit shield described in s. 144.3925 (9) (b), Stats., may extend to terms and conditions that allow the increases and decreases in emissions allowed under this subsection.

History: Cr. Register, December, 1993, No. 456, eff. 1-1-94.

NR 407.03 Exemptions from operation permit requirements. (1) SPECIFIC CATEGORIES OF EXEMPT SOURCES. Any direct stationary source which consists solely of one of the following categories of stationary sources is exempt from the requirement to obtain an operation permit provided the requirements of sub. (4) are met:

(a) External combustion furnaces which do not burn any hazardous waste identified under ch. NR 605, or which have been issued a license under ch. NR 680, and which are designed at combined total capacity to burn the following fuels at the maximum rates indicated:

1. Coal, coke or other solid fuels, except wood, at a heat input rate of not more than 1.0 million BTU per hour;

2. Wood alone or wood in combination with gaseous or liquid fuels at a heat input rate of not more than 5.0 million BTU per hour;

3. Residual or crude oil at a heat input rate of not more than 5.0 million BTU per hour;

4. Distillate oil at a heat input rate of not more than 10 million BTU per hour; and

5. Gaseous fuel at a heat input rate of not more than 40 million BTU per hour.

(b) Equipment designed to incinerate solid wastes, which are not pathological wastes, infectious wastes, municipal wastes or hazardous wastes under ch. NR 605, at a rate of not more than 500 pounds per hour.

(c) Equipment which is designed to dry grain at a rate of not more than 1,500 bushels per hour at 5% moisture extraction and which is not subject to s. NR 440.47.

(d) Portland concrete batch plants which produce less than 20,000 cubic yards of concrete per month averaged over any 12 consecutive month period.

(e) Storage tanks containing organic compounds with a true vapor pressure in pounds per square inch absolute at 70°F of less than 1.52 with a combined total tankage capacity of not more than 40,000 gallons.

(f) VOC storage tanks with a combined total tankage capacity of not more than 10,000 gallons of volatile organic compounds.

(g) Painting or coating operations, including associated quality assurance laboratories and cleaning operations which emit or will emit not more than 1,666 pounds of organic compounds per month, which are measured prior to entering any emission control devices.

(h) Graphic arts operations, including associated quality assurance laboratories and cleaning operations which emit or will emit not more than 1,666 pounds of organic compounds per month, which are measured prior to entering any emission control devices.

(i) Cold cleaning equipment with a total air to solvent interface of 1.0 square meters or less during operation.

(j) Open top vapor degreasing equipment with a total air to vapor interface of 1.0 square meters or less during operation.

(k) Dry cleaning operations with a total maximum operating capacity for all machines of 75 pounds of clothes per hour.

(l) Private alcohol fuel production systems as defined in s. 144.438 (1) (c), Stats.

(m) Crematories.

(n) Indirect malt dryers which are designed to burn fuels specified in par. (a) at a heat input rate less than the rates specified in par. (a).

(o) A laboratory which emits organic compounds, sulfur dioxide, carbon monoxide, nitrogen oxides or particulate matter or a combination thereof at a rate of less than 5.7 pounds per hour unless the emissions of any single hazardous air pollutant as defined by s. 112 (b) of the act (42 USC 7412 (b)) equal or exceed 10 tons per year or the cumulative emissions of all such hazardous air pollutants equal or exceed 25 tons per year. Hourly emissions shall be determined, based on the quantitative estimate of air contaminants before they enter any emission control devices, by dividing the total uncontrolled emissions which would have occurred during a calendar month by the total hours of operation of the laboratory during that calendar month. A laboratory is in operation if laboratory apparatus or equipment is in use.

(p) Equipment the primary purpose of which is to transport or sort paper.

(q) Facilities for chlorination of municipal drinking water, the intake of once through industrial process or cooling water, or water for swimming pools, spas or other recreational establishments.

(r) Gasoline dispensing facilities which dispense gasoline or other petroleum products.

(s) Bulk gasoline plants which distribute gasoline or other petroleum products and which have an average daily throughput of less than 15,000 liters (4,000 gallons), based on a 30-day rolling average.

(sm) The following procedures for the remediation of soil or water contaminated with organic compounds:

1. Landspreading, aeration or bioremediation of contaminated soil;

2. Negative pressure venting of contaminated soil, provided the remediation is completed within 18 months or total organic compounds are emitted at a rate of not more than 5.7 pounds per hour, considering emission control devices;

3. Pilot tests of negative pressure venting systems provided those tests are completed within 8 hours of startup and the air flow rate during the pilot test does not exceed 100 standard cubic feet per minute;

4. Landfilling of contaminated soil;

5. Application of biodegradation techniques to contaminated soil;

6. Installation and use of devices which remove organic compounds from a private or municipal potable water supply;

7. Installation and use of crop irrigation systems or dewatering wells to remediate contaminated water;

8. Installation and use of air strippers for treatment of contaminated water, provided the remediation is completed within 18 months;

9. Installation and use of any devices or techniques not listed in this paragraph which are used to remediate soil or water contaminated with organic compounds, if the device or technique is not portable and is not a thermal evaporation unit, and the remediation is completed within 18 months; and

10. Installation and use of any technique or device to remediate soil or water contaminated with organic compounds as part of on-site actions taken under the authority of the comprehensive environmental response compensation and liability act of 1980, as amended, 42 USC 9601 et seq.

Note: Even though these sources are exempt from permit requirements, they are still subject to the approval requirements under s. NR 419.07 (2).

(sq) Renovation or demolition operations involving friable asbestos containing material.

(t) A combination of emission units which consists of not more than one each of the following specific categories of sources:

1. Fuel burning equipment otherwise exempt under par. (a);

2. Equipment designed to incinerate solid wastes otherwise exempt under par. (b);

3. Storage tanks of organic compounds with a combined total tankage capacity of not more than 40,000 gallons if not more than 10,000 gallons of the storage tanks' capacity is used for storage of volatile organic compounds; and

4. Only one of the other specific category exemptions listed in pars. (c), (d) and (g) to (s).

(u) Emergency electric generators powered by internal combustion engines which are fueled by gaseous fuels, gasoline or distillate fuel oil with an electric output of less than 3,000 kilowatts.

(2) GENERAL CATEGORY OF EXEMPT SOURCES. In addition to the specific categories of exempt sources identified in sub. (1), no operation permit is required for a direct source if the source is not a part 70 source and:

(a) The maximum theoretical emissions from the source for sulfur dioxide or carbon monoxide do not exceed 9.0 pounds per hour for each air contaminant;

(b) The maximum theoretical emissions from the source for particulate matter, nitrogen oxides or organic compounds do not exceed 5.7 pounds per hour for each air contaminant;

(bm) The maximum theoretical emissions from the source for lead do not exceed 0.13 pounds per hour;

(c) The source will not emit any of the air contaminants listed in s. NR 405.02 (27) (a) at a rate greater than the applicable emission rate listed in s. NR 405.02 (27) (a);

(d) The source will not emit any hazardous air contaminant listed in Table 1, 2, 3 or 4 of s. NR 445.04 in amounts greater than the emission rate listed in Table 1, 2, 3 or 4 of s. NR 445.04 for the air contaminant for the respective stack height; and

(e) The source will not have maximum theoretical emissions of any single hazardous air pollutant as defined by s. 112 (b) of the act (42 USC 7412 (b)) that equal or exceed 10 tons per year or cumulative maximum theoretical emissions of all the hazardous air pollutants defined by s. 112 (b) of the act (42 USC 7412 (b)) that equal or exceed 25 tons per year.

(f) The source is not subject to any standard or regulation under section 111 of the act (42 USC 7411).

(g) The source is not subject to any standard or regulation under section 112 of the act (42 USC 7412).

(3) SPECIFIC CATEGORIES OF EXEMPT INDIRECT SOURCES. The following categories of indirect sources are exempt from the requirement to obtain an operation permit:

(a) *Existing sources.* All indirect sources on which construction or modification commenced on or prior to November 15, 1992.

(b) *Road and highway projects.* All indirect sources which are road or highway projects.

(c) *Indirect sources with associated parking.* If the indirect source will not be a road or highway project, no operation permit is required if the source will be:

1. A indirect source located in a metropolitan county with a parking capacity of less than 1000 cars in its associated parking areas.

2. A indirect source located in a metropolitan county with a parking capacity increase of less than 1000 cars in its associated parking areas.

3. A indirect source located outside the metropolitan counties with a parking capacity of less than 1500 cars in its associated parking areas.

4. A indirect source located outside the metropolitan counties with a parking capacity increase of less than 1500 cars in its associated parking areas.

(4) CONDITIONS FOR SPECIFIC EXEMPTIONS. In order to be eligible for a specific exemption under sub. (1) (d), (g), (h), (o), (s) or (sm), the owner or operator of a direct stationary source shall keep and maintain records of materials used, emissions or production rates, whichever is appropriate, that are adequate to demonstrate that the source qualifies for the exemption. The owner or operator of a direct stationary source shall begin keeping these records no later than January 1, 1994 or the date that the source commences operation, whichever is later, and maintain them for a minimum of 5 years. After January 1, 1994, any direct stationary source that ever exceeds any level listed in sub. (1) (d), (g), (h), (o), (s) or (sm) is not eligible for the exemption under that subsection.

(5) EXEMPTIONS FROM PERMIT REQUIREMENTS FOR INDIRECT SOURCES. Pursuant to s. 144.393 (4) (a), Stats., the permit requirements in s. 144.393 (2) (b) and (3) (a), Stats., do not apply to indirect sources.

History: Cr. Register, December, 1984, No. 348, eff. 1-1-85; cr. (2) (bm), r. and recr. (2) (d), am. (2) (e), Register, September, 1988, No. 393; eff. 10-1-88; am. (1) (a) (intro.), 1. to 3., (b), (g), (h), (o), (2) (a), (b), (bm), (c) 1. and 5., (d) and (e), Register, May, 1992, No. 437, eff. 6-1-92; am. (1) (intro.), (a) (intro.) and 5., (b) to (e), (2) (intro.), (a) to (c), cr. (1) (sm), (sq) and (u), (2) (f), (g), (3) to (5), r. (2) (c) 1. to 5., r. and recr. (2) (e), Register, December, 1993, No. 456, eff. 1-1-94.

NR 407.04 Application filing dates. (1) INITIAL FILING DATES. Except as provided in sub. (3), the owner or operator of an air contaminant source which is not exempt under s. 144.391 (5), Stats., or s. NR 407.03 shall submit an operation permit application on application forms available from the department by the following dates:

Note: Application forms may be obtained from the district and area offices of the Department or from the Wisconsin Department of Natural Resources, Bureau of Air Management, Permits Section, P.O. Box 7921, Madison WI 53707-7921.

(a) *Existing sources, initial application.* For initial applications for all existing sources, the date in the appropriate column of Table 1 for part 70 and non-part 70 sources corresponding to the county in which the source is located. Where the location of a source is in 2 or more counties, the date an application is due shall be the latest date listed for any of the counties in which the source is located. Any existing air contaminant source for which an application is submitted requesting that it be made a synthetic minor source is a part 70 source until a permit making that source a synthetic minor source is issued and, except as allowed in sub. (3), is subject to the filing dates listed for part 70 sources. If a source submits an application on or before the date specified in Table 1 and the department determines that the application is incomplete, the source shall have 30 days from the date that the department notifies the source of the incompleteness determination to complete the application.

(b) *New and modified sources.* 1. In accordance with s. 144.374 (2) (b), Stats., for new or modified sources for which a construction permit is required and which apply for a construction permit after November 15, 1992, the date that the application for the construction permit is filed.

2. For new or modified sources for which a construction permit is required and which applied for a construction permit before November 15, 1992, a date at least 120 days prior to the expiration date of the construction permit.

3. For new or modified sources for which no construction permit is required, the application for an operation permit shall be filed before the source commences construction or modification.

(2) PERMIT RENEWAL. Pursuant to s. 144.396 (3), Stats., a permittee shall apply for renewal of an operation permit at least 12 months, but not more than 18 months, before the permit expires. No pemittee may continue operation of a source after the operation permit expires, unless the permittee submits a timely and complete application for renewal of the permit.

(3) EXTENSIONS AND DEFERRALS. (a) *Extensions for cause.* An existing source may request and the department may grant an extension of not more than 60 days beyond the applicable date specified in sub. (1) (a) if all of the following conditions are met:

1. a. The extension is requested in writing at least 30 but no more than 90 days before the application is due.

b. The department may waive the 30 day requirement in subpar. a if an emergency occurs that makes it impossible for the source to meet that deadline.

2. The applicant demonstrates that the reason that they cannot meet the date specified in sub. (1) (a) is beyond their reasonable control.

3. The extension does not extend the date that a complete application is due for a part 70 source beyond November 15, 1995.

(b) *Deferral for sources proposing to become synthetic minor sources.* 1. If an existing source proposes to be permitted as a synthetic minor source in order to avoid being classified as a part 70 source, the owner or operator shall:

a. Submit a complete application for an operation permit for a non-part 70 source in accordance with s. NR 407.05 (4) and (8) by the date that a part 70 source permit application would be due for that source under the schedule in Table 1.

b. Submit information to show that the actual emissions of each air contaminant emitted by the source for the 2 most recent years prior to the submittal of the application for an operation permit were less than the corresponding thresholds for being classified a major source under s. NR 407.02 (17). If available, actual emissions, as reported to the department pursuant to ch. NR 438, shall be submitted.

c. Submit information to show that the source is a part 70 source solely due to its classification as a major source.

2. The department shall review the application and determine whether the source may be permitted as a non-part 70 source and whether the source has demonstrated that the requirements of subd. 1 have been met. If the department determines that the source may be permitted as a non-part 70 source and the requirements of subd. 1 have been met, it shall process the application in accordance with ss. 144.3925, Stats., NR

407.07 and 407.09. If the department determines that the source may not be permitted as a non-part 70 source, the department shall notify the source of that determination. The owner or operator of the source shall then submit to the department a complete application for a part 70 source in accordance with s. NR 407.05 (4) by October 30, 1995.

TABLE 1 — APPLICATION FILING DATES FOR AIR POLLUTION OPERATION PERMITS FOR EXISTING SOURCES

County of location	Application filing date for part 70 sources	Application filing date for non-part 70 sources
Adams	June 1, 1994	August 1, 1997
Ashland	June 1, 1994	August 1, 1997
Barron	March 1, 1995	May 1, 1998
Bayfield	June 1, 1995	August 1, 1998
Brown	May 1, 1995	July 1, 1998
Buffalo	October 1, 1994	December 1, 1997
Burnett	December 1, 1994	February 1, 1998
Calumet	May 1, 1994	July 1, 1997
Chippewa	June 1, 1995	August 1, 1998
Clark	March 1, 1995	May 1, 1998
Columbia	May 1, 1994	July 1, 1997
Crawford	May 1, 1994	July 1, 1997
Dane	September 1, 1995	November 1, 1998
Dodge	May 1, 1995	July 1, 1998
Door	September 1, 1994	November 1, 1997
Douglas	May 1, 1994	August 1, 1998
Dunn	August 1, 1994	October 1, 1997
Eau Claire	December 1, 1994	February 1, 1998
Florence	August 1, 1994	October 1, 1997
Fond du Lac	September 1, 1994	November 1, 1997
Forest	June 1, 1994	August 1, 1997
Grant	August 1, 1994	October 1, 1997
Green Lake	May 1, 1995	July 1, 1998
Green	February 1, 1995	April 1, 1998
Iowa	January 1, 1995	March 1, 1998
Iron	December 1, 1994	February 1, 1998
Jackson	March 1, 1995	May 1, 1998
Jefferson	November 1, 1994	January 1, 1998
Juneau	June 1, 1994	August 1, 1997
Kenosha	January 1, 1995	March 1, 1998
Kewaunee	September 1, 1994	November 1, 1997
La Crosse	September 1, 1995	November 1, 1998
Lafayette	January 1, 1995	March 1, 1998
Langlade	June 1, 1994	August 1, 1997
Lincoln	August 1, 1994	October 1, 1997
Manitowoc	February 1, 1995	April 1, 1998
Marathon	May 1, 1995	July 1, 1998
Marinette	August 1, 1994	October 1, 1997
Marquette	May 1, 1995	July 1, 1998
Menominee	July 1, 1994	September 1, 1997
Milwaukee, South of Wisconsin Avenue	July 1, 1995	June 1, 1998
Milwaukee, North of Wisconsin Avenue	April 1, 1995	September 1, 1998
Monroe	March 1, 1995	May 1, 1998

County of location	Application filing date for part 70 sources	Application filing date for non-part 70 sources
Oconto	July 1, 1994	September 1, 1997
Oneida	May 1, 1994	July 1, 1997
Outagamie	November 1, 1994	January 1, 1998
Ozaukee	July 1, 1994	September 1, 1997
Pepin	December 1, 1994	February 1, 1998
Pierce	June 1, 1994	August 1, 1997
Polk	March 1, 1995	May 1, 1998
Portage	November 1, 1994	January 1, 1998
Price	June 1, 1995	July 1, 1997
Racine	January 1, 1995	March 1, 1998
Richland	August 1, 1994	October 1, 1997
Rock	February 1, 1995	April 1, 1998
Rusk	December 1, 1994	February 1, 1998
Sauk	June 1, 1994	August 1, 1997
Sawyer	December 1, 1994	February 1, 1998
Shawano	June 1, 1994	August 1, 1997
Sheboygan	October 1, 1994	December 1, 1997
St Croix	August 1, 1994	October 1, 1997
Taylor	December 1, 1994	February 1, 1998
Trempealeau	October 1, 1994	December 1, 1997
Vernon	December 1, 1994	February 1, 1998
Vilas	May 1, 1994	July 1, 1997
Walworth	May 1, 1994	July 1, 1997
Washburn	December 1, 1994	February 1, 1998
Washington	June 1, 1994	August 1, 1997
Waukesha	October 1, 1995	December 1, 1998
Waupaca	September 1, 1994	November 1, 1997
Waushara	September 1, 1994	November 1, 1997
Winnebago	August 1, 1995	October 1, 1998
Wood	February 1, 1995	April 1, 1998
Portable sources located anywhere in Wisconsin	October 1, 1995	December 1, 1998

History: Cr. Register, December, 1984, No. 348, eff. 1-1-85; renum. (1) to be (1) (a), cr. (1) (b), Register, September, 1988, No. 393, eff. 10-1-88; am. (1) (a), renum. Table, Register, May, 1992, No. 437, eff. 6-1-92; am. (1) (a), Register, June, 1993, No. 450, eff. 7-1-93; r. and recr. Register, December, 1993, No. 456, eff. 1-1-94.

NR 407.05 Applications and forms. (1) Applications for operation permits and renewals of operation permits shall be made on forms supplied by the department for these purposes and supplemented with other materials as required by the forms. The forms may be supplied by the department in an electronic format, such as on a computer disk, if so requested by the applicant.

Note: Application forms may be obtained from the district and area offices of the Department or from the Wisconsin Department of Natural Resources, Bureau of Air Management, Permits Section, P.O. Box 7921, Madison WI 53707-7921.

(2) Application materials may be submitted on paper or in an electronic format. The applicant shall file 3 copies of all forms and other materials required by the application which are submitted on paper. The applicant shall file one copy of all forms and other materials which are

submitted in an electronic format. These materials shall be submitted to the Wisconsin department of natural resources, bureau of air management, permits section, P.O. Box 7921, Madison WI 53707-7921.

(3) The application forms shall be signed by a responsible official of the stationary source designated by the source for this purpose. In the case of an electronic format application, a form supplied with the electronic format shall be signed in accordance with this subsection and returned to the department with the electronic format application.

(4) The application shall contain all of the information required for the issuance of an operation permit. Except as provided in subs. (5) and (8), it shall include the following elements:

(a) Identifying information, including company name and address, and plant name and address if different from the company name or address; owner's name and agent, and operator if different from the owner, and names and telephone numbers of the plant manager and contact person.

(b) A description of the source's processes and products, by standard industrial classification code as described in the Standard Industrial Classification Manual, 1987, incorporated by reference in ch. NR 484, including any processes and products associated with each alternate operating scenario identified by the source.

(c) The following emissions-related information:

1. The maximum theoretical emissions of all air contaminants from all emissions units, operations and activities except for those exempted under subd. 9 or 10. Fugitive emissions from emissions units, operations and activities shall be included in the permit application in the same manner as stack emissions, regardless of whether the source category in question is included in the list of sources contained in the definition of major source. Maximum theoretical fugitive emissions shall be calculated using average operating conditions and average weather conditions. Only sources which manufacture or process pesticides, rodenticides, insecticides, herbicides or fungicides shall include emissions of air contaminants identified as pesticides, rodenticides, insecticides, herbicides and fungicides in Table 2 in their permit applications. When preparing its application, the owner or operator of a facility may rely on information in an approved material safety data sheet. Trace contaminants need not be reported if they constitute less than 1% of the material, or 0.1% of the material if the air contaminant is footnoted as a suspected or confirmed human carcinogen by the American conference of governmental industrial hygienists in the 1990-1991 Threshold Limit Values for Chemical Substances and Physical Agents and Biological Exposure Indices, incorporated by reference in ch. NR 484.

2. Identification and description of all emissions points in sufficient detail to determine the applicable requirements to be included in an operation permit.

3. Emission rates in tons per year and in terms necessary to demonstrate compliance with emission limitations consistent with the applicable reference test method.

4. The following information to the extent that it is needed to determine or regulate emissions: types and amounts of fuels used, types and

amounts of raw materials used, production rates and operating schedules.

5. Identification and description of air pollution control equipment and compliance monitoring devices or activities.

6. Limitations on source operations and any applicable work practice standards which affect emissions of any air contaminants.

7. Other information necessary to determine any applicable requirement.

8. The calculations on which the information contained in subds. 1 to 7 is based.

9. The emissions units, operations and activities in subpars. a to o shall be listed in the application but are exempt from being further included in any application required under this chapter:

a. Any emissions unit, operation or activity that has, for each air contaminant, maximum theoretical emissions which are less than the levels in Table 2. Multiple emissions units, operations and activities that perform identical or similar functions shall be combined in determining the applicability of the exemption under this subparagragh.

b. If the maximum theoretical emissions of any air contaminants listed in Table 2 from all emission units, operations or activities at a facility are less than 5 times the level specified in Table 2 for those air contaminants, any emissions unit, operation or activity that emits only those air contaminants.

c. Maintenance of grounds, equipment and buildings, including lawn care, pest control, grinding, cutting, welding, painting, woodworking, general repairs and cleaning, but not including use of organic compounds as clean-up solvents.

d. Boiler, turbine, generator, heating and air conditioning maintenance.

e. Pollution control equipment maintenance.

f. Internal combustion engines used for warehousing and material transport, forklifts and courier vehicles, front end loaders, graders and trucks, carts and maintenance trucks.

g. Fire control equipment.

h. Janitorial activities.

i. Office activities.

j. Convenience water heating.

k. Convenience space heating units with heat input capacity of less than 5 million btu per hour that burn gaseous fuels, liquid fuels or wood.

l. Fuel oil storage tanks with a capacity of 10,000 gallons or less.

m. Stockpiled contaminated soils.

n. Demineralization and oxygen scavenging of water for boilers.

o. Purging of natural gas lines.

10. For any emissions unit, operation or activity that is included in the application, the applicant does not need to include information on any air contaminant if the maximum theoretical emissions of the air contaminant are less than the level for that air contaminant listed in Table 2 or if the maximum theoretical emissions of any air contaminant listed in Table 2 from all emission units, operations or activities at a facility are less than 5 times the level specified in Table 2 for that air contaminant. Multiple emissions units, operations and activities that perform identical or similar functions shall be combined in determining the applicability of this exemption.

TABLE 2 — LEVELS OF AIR CONTAMINANTS FOR DETERMINING NEED FOR INCLUSION IN PERMIT APPLICATIONS

Air Contaminant Name	Sources of Regulation (See Footnotes Below)	Chemical Abstract Service Number[7]	Inclusion Level (lbs/yr)
Acetaldehyde	2, 3	75-07-0	2,000
Acetamide	2	60-35-5	2,000.0
Acetic acid	3	64-19-7	1,825
Acetic anhydride	3	108-24-7	887
Acetonitrile	2, 3	75-05-8	2,000.0
Acetophenone	2	98-86-2	2,000.0
2-Acetylaminofluorene	2	53-96-3	2,000.0
Acrolein	2, 3	107-02-8	18.3
Acrylamide	2, 3	79-06-1	21.0
Acrylic acid	2, 3	79-10-7	2,000.0
Acrylonitrile	2, 3	107-13-1	2.5
Adriamycin	3	23214-92-8	Group B Pharmaceutical
Aflatoxins	3	1402-68-2	2.5
Aldrin	3, 6	309-00-2	18.3
Allyl alcohol	3	107-18-6	365.8
Allyl chloride	2, 3	107-05-1	218.6
Aluminum alkyls	3	7429-90-5*	145.1
Aluminum pyro powders	3	7429-90-5*	365.8
Aluminum soluble salts	3	7429-90-5*	145.1
2-Aminoanthraquinone	3	117-79-3	25.0
4-Aminobiphenyl	2, 3	92-67-1	2.5
Amitrole	3, 6	61-82-5	14.5
Ammonia	3	7664-41-7	1,314
Aniline	2, 3	62-53-3	729.5
Anisidine	2, 3	29191-52-4	25
o-Anisidine and o-anisidine hydrochloride	2, 3	90-04-0*	25.0
Antimony & compounds, as Sb	2, 3	7440-36-0*	35.7
ANTU	3, 6	86-88-4	21.0
Arsenic and inorganic compounds, as As	2, 3	7440-38-2*	2.5
Arsine	2, 3	7784-42-1	14.5
Asbestos, all forms	2, 3	1332-21-4*	2.5
Atrazine	3, 6	1912-24-9	365.8
Azathioprine	3	446-86-6	Group A Pharmaceutical
Azinphos-methyl	3, 6	86-50-0	14.5
Barium, soluble compounds, as Ba	3	7440-39-3*	35.7
Benomyl	3, 6	17804-35-2	729.5
Benz (a) anthracene	3	56-55-3	Polycyclic Organic Matter
Benzene	2, 3	71-43-2	30.0
Benzidine	2, 3	92-87-5	0.2
Benzo (b) fluoranthene	2, 3	205-99-2	Polycyclic Organic Matter

Air Contaminant Name	Sources of Regulation (See Footnotes Below)	Chemical Abstract Service Number[7]	Inclusion Level (lbs/yr)
Benzo (a) pyrene	3	50-32-8	Polycyclic Organic Matter
Benzotrichloride	2, 3	98-07-7	25.0
Benzoyl peroxide	3	94-36-0	365.8
Benzyl chloride	2, 3	100-44-7	365.8
Beryllium and beryllium compounds, as Be	2, 3	7440-41-7*	2.5
Biphenyl	2, 3	92-52-4	109.3
N,N-Bis (2-chloroethyl) -2-naphthylamine (Chloronaphazine)	3	494-03-1	Group A Pharmaceutical
Bischloroethyl nitrosourea	3	154-93-8	Group B Pharmaceutical
Bis (chloromethyl) ether (BCME) and technical grade	2, 3	542-88-1	0.01
Borates, tetra, sodium salts, decahydrate	3	1303-96-4*	365.8
Borates, tetra, sodium salts, pentahydrate	3	1303-96-4*	73.6
Boron tribromide	3	10294-33-4	444
Boron trifluoride	3	7637-07-2	132.5
Bromacil	3, 6	314-40-9	729.5
Bromine	3	7726-95-6	50.5
Bromine pentafluoride	3	7789-30-2	50.5
Bromoform	2	75-25-2	2,000.0
1,3-Butadiene	2, 3	106-99-0	2,000.0
1,4-Butanediol dimethanesulphonate (Myleran)	3	55-98-1	Group A Pharmaceutical
2-Butoxyethanol (EGBE)	3	111-76-2	2,000.0
n-Butyl acrylate	3	141-32-2	2,000.0
n-Butyl alcohol	3	71-36-3	2,000.0
n-Butylamine	3	109-73-9	666.46
tert-Butyl chromate, as Cr	2, 3	1189-85-1	0.01
n-Butyl glycidyl ether (BGE)	3	2426-08-6	2,000.0
n-Butyl lactate	3	138-22-7	1,824.9
o-sec-Butylphenol	3	89-72-5	2,000.0
p-tert-Butyltoluene	3	98-51-1	2,000.0
Cadmium and cadmium compounds, as Cd	2, 3	7440-43-9*	2.5
Calcium cyanamide	2, 3	156-62-7	35.7
Calcium hydroxide	3	1305-62-0	365.8
Calcium oxide	3	1305-78-8	145.1
Camphor (synthetic)	3	76-22-2	874.6
Caprolactam vapor	2, 3	105-60-2	1,459.1
Captafol	3, 6	2425-06-1	7.4
Captan	2, 3, 6	133-06-2	365.8
Carbaryl	2, 3, 6	63-25-2	365.8
Carbofuran	3, 6	1563-66-2	7.4
Carbon black	3	1333-86-4	254.4
Carbon disulfide	2, 3	75-15-0	2,000.0
Carbon monoxide	1	630-08-0	2,000.0

Air Contaminant Name	Sources of Regulation (See Footnotes Below)	Chemical Abstract Service Number[7]	Inclusion Level (lbs/yr)
Carbon tetrabromide	3	558-13-4	103.0
Carbon tetrachloride	2, 3, 5	56-23-5	2.5
Carbonyl fluoride	3	353-50-4	365.8
Carbonyl sulfide	2	463-58-1	2,000.0
Catechol (Pyrocatechol)	2, 3	120-80-9	1,459
Cesium hydroxide	3	21351-79-1	145
Chloramben	2	133-90-4	2,000.0
Chlorambucil	3	305-03-3	Group A Pharmaceutical
Chlordane	2, 3, 6	57-74-9	35.7
Chlorinated camphene	2, 3, 6	8001-35-2	35.7
Chlorinated dioxins and furans (total equivalents)	4	*	0.00001
Chlorinated diphenyl oxide	3	55720-99-5	35.7
Chlorine	2, 3	7782-50-5	218.6
Chlorine dioxide	3	10049-04-4	21.0
Chlorine trifluoride	3	7790-91-2	17.7
Chloroacetic acid	2	79-11-8	2,000.0
2-Chloroacetophenone	2	532-27-4	2,000.0
Chlorobenzene (Monochlorobenzene)	2, 3	108-90-7	2,000.0
Chlorobenzilate	2	510-15-6	2,000.0
1- (2-Chloroethyl) -3-cyclohexyl-1-nitrosourea (CCNU)	3	13010-47-4	Group B Pharmaceutical
Chlorofluorocarbon-11 (CFC-11, R-11)	5	75-69-4	2,000.0
Chlorofluorocarbon-12 (CFC-12, R-12)	5	75-71-8	2,000.0
Chlorofluorocarbon-13 (CFC-13, R-13)	5	75-72-9	2,000.0
Chlorofluorocarbon-111 (CFC-111)	5	354-56-3	2,000.0
Chlorofluorocarbon-112 (CFC-112)	5	76-12-0	2,000.0
Chlorofluorocarbon-113 (CFC-113)	5	76-13-1	2,000.0
Chlorofluorocarbon-114 (CFC-114, R-114)	5	76-14-2	2,000.0
Chlorofluorocarbon-115 (CFC-115, R-115)	5	76-15-3	2,000.0
Chlorofluorocarbon-211 (CFC-211, R-211)	5	422-78-6	2,000.0
Chlorofluorocarbon-212 (CFC-212, R-212)	5	3182-26-1	2,000.0
Chlorofluorocarbon-213 (CFC-213, R-213)	5	2354-06-5	2,000.0
Chlorofluorocarbon-214 (CFC-214, R-214)	5	29255-31-0	2,000.0
Chlorofluorocarbon-215 (CFC-215, R-215)	5	4259-43-2	2,000.0
Chlorofluorocarbon-216 (CFC-216, R-216)	5	661-97-2	2,000.0
Chlorofluorocarbon-217 (CFC-217, R-217)	5	422-86-6	2,000.0
Chloroform	2, 3	67-66-3	25.0
Chloromethyl methyl ether (CMME)	2, 3	107-30-2	0.01
1-Chloro-1-nitropropane	3, 6	600-25-9	729.5
Chloropicrin (Trichloronitromethane)	3, 6	76-06-2	50.5

Air Contaminant Name	Sources of Regulation (See Footnotes Below)	Chemical Abstract Service Number[7]	Inclusion Level (lbs/yr)
beta-Chloroprene	2, 3	126-99-8	2,000.0
o-Chlorostyrene	3	2039-87-4	2,000.0
o-Chlorotoluene	3	95-49-8	2,000.0
Chlorpyrifos	3, 6	2921-88-2	14.5
Chromium (II) compounds, as Cr	2, 3	7440-47-3*	35.7
Chromium (III) compounds, as Cr	2, 3	7440-47-3*	35.7
Chromium (VI) compounds, as Cr, water soluble	2, 3	7440-47-3*	3.6
Chromium (VI) compounds, as Cr, water insoluble	2, 3	7440-47-3*	0.2
Chromium (metal)	2, 3	7440-47-3	35.7
Chromyl chloride, as Cr	2, 3	14977-61-8	0.01
Cobalt, as Co, metal, dust	2, 3	7440-48-4	3.6
Coke oven emissions	2, 3	*	2.5
Copper, dust & mists, as Cu	3	7440-50-8	73.6
p-Cresidine	3	120-71-8	25.0
Cresol, all isomers	2, 3	1319-77-3	1,604
m-Cresol	2	108-39-4	2,000.0
o-Cresol	2	95-48-7	2,000.0
p-Cresol	2	106-44-5	2,000.0
Crotonaldehyde	3	123-73-9*	588.7
Crufomate	3, 6	299-86-5	365.8
Cumene	2, 3	98-82-8	2,000.0
Cyanamide	3	420-04-2	145.1
Cyanides, (inorganics), as CN	2, 3	143-33-9*	365.8
Cyanogen	3	460-19-5	1,459.1
Cyanogen chloride	3	506-77-4	27.3
Cyclohexanol	3	108-93-0	2,000.0
Cyclohexanone	3	108-94-1	2,000.0
Cyclohexylamine	3	108-91-8	2,000.0
Cyclopentadiene	3	542-92-7	2,000.0
Cyclophosphamide	3	50-18-0	Group A Pharmaceutical
Cyhexatin	3, 6	13121-70-5	365.8
2,4-D, salts and esters	2	94-75-7	2,000.0
DDE	2	3547-04-4	2,000.0
Dacarbazine	3	4342-03-4	Group B Pharmaceutical
Demeton	3, 6	8065-48-3	7.4
Diacetone alcohol	3	123-42-2	2,000.0
2,4-Diaminoanisole sulfate	3	39156-41-7	25.0
2,4-Diaminotoluene	2, 3	95-80-7*	25.0
Diazinon	3, 6	333-41-5	7.4
Diazomethane	2, 3	334-88-3	29.4
Dibenz (a,h) acridine	2, 3	226-36-8	Polycyclic Organic Matter
Dibenz (a,j) acridine	2, 3	224-42-0	Polycyclic Organic Matter

Air Contaminant Name	Sources of Regulation (See Footnotes Below)	Chemical Abstract Service Number[7]	Inclusion Level (lbs/yr)
Dibenz (a,h) anthracene	2, 3	53-70-3	Polycyclic Organic Matter
7H-Dibenzo (c,g) carbazole	2, 3	194-59-2	Polycyclic Organic Matter
Dibenzofurans	2	132-64-9	2,000.0
Dibenzo (a,h) pyrene	2, 3	189-64-0	Polycyclic Organic Matter
Dibenzo (a,i) pyrene	2, 3	189-55-9	Polycyclic Organic Matter
Diborane	3	19287-45-7	7.4
1,2-Dibromo-3-chloropropane (DBCP)	2, 3	96-12-8	25.0
1,2-Dibromoethane (EDB)	2, 3	106-93-4	25.0
2-N-Dibutylaminoethanol	3	102-81-8	1,022
Dibutyl phthalate	2, 3, 6	84-74-2	365.8
o-Dichlorobenzene	3	95-50-1	2,000.0
p-Dichlorobenzene	2, 3	106-46-7	2,000
3,3'-Dichlorobenzidine	2, 3	91-94-1	25.0
1,3-Dichloro-5,5-dimethyl hydantoin	3	118-52-5	14.5
1,1-Dichloroethane	2, 3	75-34-3	2,000.0
1,2-Dichloroethane (EDC)	2, 3	107-06-2	2.5
1,2-Dichloroethylene	3	540-59-0	2,000.0
Dichloroethyl ether	2, 3	111-44-4	2,000.0
1,1-Dichloro-1-nitroethane	3	594-72-9	729.5
Dichloropropene	2, 3, 6	542-75-6	365.8
2,2-Dichloropropionic acid	3, 6	75-99-0	437.3
Dichlorvos	2, 3, 6	62-73-7	73.6
Dicrotophos	3, 6	141-66-2	18.3
Dicyclopentadiene	3	77-73-6	2,000.0
Dieldrin	3, 6	60-57-1	18.3
Diethanolamine	2, 3	111-42-2	1,095
Diethylamine	3	109-89-7	2,000.0
2-Diethylaminoethanol	3	100-37-8	2,000.0
Diethylene triamine	3	111-40-0	292.2
Di (2-ethylhexyl) phthalate (DEHP)	2, 3	117-81-7	25.0
Diethyl phthalate	3	84-66-2	365.8
Diethyl sulfate	2, 3	64-67-5	2.5
Diethylstilbestrol (DES)	3	56-53-1	Group A Pharmaceutical
Diglycidyl ether (DGE)	3	2238-07-5	35.7
Diisobutyl ketone	3	108-83-8	2,000.0
Diisopropylamine	3	108-18-9	1,459
3,3'-Dimethoxybenzidine (o-Dianisidine)	2, 3	119-90-4	25.0
Dimethyl acetamide	3	127-19-5	2,000.0
Dimethylamine	3	124-40-3	1,314
4-Dimethylaminoazobenzene	2, 3	60-11-7	25.0
Dimethylaniline (N,N-Dimethylaniline)	2, 3	121-69-7	1,825
3,3'-Dimethylbenzidine (o-Tolidine)	2, 3	119-93-7	25.0
Dimethyl carbamoyl chloride	2, 3	79-44-7	25.0

Air Contaminant Name	Sources of Regulation (See Footnotes Below)	Chemical Abstract Service Number[7]	Inclusion Level (lbs/yr)
N,N-Dimethylformamide	2, 3	68-12-2	2,000.0
1,1-Dimethylhydrazine	2, 3	57-14-7	25.0
Dimethylphthalate	2, 3	131-11-3	365.8
Dimethyl sulfate	2, 3	77-78-1	2.5
Dinitrobenzene, all isomers	3	528-29-0*	73.6
Dinitro-o-cresol	2, 3, 6	534-52-1	14.5
2,4-Dinitrophenol	2	51-28-5	2,000.0
Dinitrotoluene	2, 3	25321-14-6*	109.3
1,4-Dioxane	2, 3	123-91-1	25.0
Dioxathion	3, 6	78-34-2	14.5
Diquat	3, 6	85-00-7*	35.7
Disulfoton	3, 6	298-04-4	7.4
Divinyl benzene	3	1321-74-0*	2,000.0
Endosulfan	3, 6	115-29-7	7.4
Endrin	3, 6	72-20-8	7.4
Epichlorohydrin	2, 3	106-89-8	30.0
EPN	3, 6	2104-64-5	35.7
1,2-Epoxybutane (1,2-Butylene oxide)	2	106-88-7	2,000.0
Ethanolamine	3	141-43-5	584.5
Ethion	3, 6	563-12-2	29.4
2-Ethoxyethanol (EGEE)	3	110-80-5	655.9
2-Ethoxyethyl acetate (EGEEA)	3	111-15-9	1,969.9
Ethyl acrylate	2, 3	140-88-5	1,459.1
Ethylamine (Ethanamine)	3	75-04-7	1,314.0
Ethyl amyl ketone	3	541-85-5	2,000.0
Ethyl benzene	2, 3	100-41-4	2,000.0
Ethyl butyl ketone	3	106-35-4	2,000.0
Ethyl chloride (Chloroethane)	2	75-00-3	2,000.0
Ethylene chlorohydrin	3	107-07-3	182.5
Ethylenediamine	3	107-15-3	1,824.9
Ethylene glycol vapor	2, 3	107-21-1	2,000.0
Ethylene oxide	2, 3	75-21-8	2.5
Ethylene thiourea	2, 3	96-45-7	25.0
Ethylenimine	2, 3	151-56-4	73.6
Ethylidene norbornene	3	16219-75-3	1,110.1
N-Ethylmorpholine	3	100-74-3	1,677.7
Ethyl silicate	3	78-10-4	2,000.0
Fensulfothion	3, 6	115-90-2	7.4
Fenthion	3, 6	55-38-9	14.5
Fine mineral fibers (includes mineral fiber emissions from facilities manufacturing or processing glass, rock, or slag fibers (or other mineral derived fibers) of average diameter 1 micrometer or less)	2	*	2,000.0
Fluorides, (inorganics), as F	3	*	182.9
Fluorine	3	7782-41-4	145.1
Fonofos	3, 6	944-22-9	7.4
Formaldehyde	2, 3	50-00-0	25.0

Air Contaminant Name	Sources of Regulation (See Footnotes Below)	Chemical Abstract Service Number[7]	Inclusion Level (lbs/yr)
Furfural	3	98-01-1	584.5
Furfuryl alcohol	3	98-00-0	2,000.0
Germanium tetrahydride	3	7782-65-2	44.2
Glycidol	3	556-52-5	2,000.0
Glycol ethers8	2	*	2,000.0
Group A Pharmaceuticals (a total of all air contaminants listed as Group A Pharmaceuticals)	3	*	2.5**
Group B Pharmaceuticals (a total of all air contaminants listed as Group B Pharmaceuticals)	3	*	25**
Halon-1211	5	353-59-3	2,000.0
Halon-1301	5	75-63-8	2,000.0
Halon-2402	5	124-73-2	2,000.0
Heptachlor	2, 3, 6	76-44-8	35.7
Hexachlorobenzene (HCB)	2, 3	118-74-1	2.5
Hexachlorobutadiene	2, 3, 6	87-68-3	9.2
Hexachlorocyclopentadiene	2, 3, 6	77-47-4	7.4
Hexachloroethane	2	67-72-1	2,000.0
Hexachloronaphthalene	3	1335-87-1	14.5
Hexamethylene-1,6-diisocyanate	2	822-06-0	2,000.0
Hexamethyl phosphoramide	2, 3	680-31-9	25.0
n-Hexane	2, 3	110-54-3	2,000.0
sec-Hexyl acetate	3	108-84-9	2,000.0
Hexylene glycol	3	107-41-5	2,000.0
Hydrazine and hydrazine sulfate	2, 3	302-01-2*	25.0
Hydrazobenzene	2, 3	122-66-7	25.0
Hydrochlorofluorocarbon-21 (HCFC-21)	5	75-43-4	2,000.0
Hydrochlorofluorocarbon-22 (HCFC-22, R-22)	5	75-45-6	2,000.0
Hydrochlorofluorocarbon-31 (HCFC-31)	5	593-70-4	2,000.0
Hydrochlorofluorocarbon-121 (HCFC-121)	5	*	2,000.0
Hydrochlorofluorocarbon-122 (HCFC-122)	5	*	2,000.0
Hydrochlorofluorocarbon-123 (HCFC-123, R-123)	5	306-83-2*	2,000.0
Hydrochlorofluorocarbon-124 (HCFC-124, R-124)	5	63938-10-3*	2,000.0
Hydrochlorofluorocarbon-131 (HCFC-131)	5	*	2,000.0
Hydrochlorofluorocarbon-132b (HCFC-132b)	5	1649-08-7	2,000.0
Hydrochlorofluorocarbon-133a (HCFC-133a)	5	75-88-7	2,000.0
Hydrochlorofluorocarbon-141b (HCFC-141b, R-141b)	5	1717-00-6	2,000.0
Hydrochlorofluorocarbon-142b (HCFC-142b, R-142b)	5	75-68-3	2,000.0
Hydrochlorofluorocarbon-221 (HCFC-221)	5	*	2,000.0

Air Contaminant Name	Sources of Regulation (See Footnotes Below)	Chemical Abstract Service Number[7]	Inclusion Level (lbs/yr)
Hydrochlorofluorocarbon-222 (HCFC-222)	5	*	2,000.0
Hydrochlorofluorocarbon-223 (HCFC-223)	5	*	2,000.0
Hydrochlorofluorocarbon-224 (HCFC-224)	5	*	2,000.0
Hydrochlorofluorocarbon-225ca (HCFC-225ca)	5	422-56-0	2,000.0
Hydrochlorofluorocarbon-225cb (HCFC-225cb)	5	507-55-1	2,000.0
Hydrochlorofluorocarbon-226 (HCFC-226)	5	*	2,000.0
Hydrochlorofluorocarbon-231 (HCFC-231)	5	*	2,000.0
Hydrochlorofluorocarbon-232 (HCFC-232)	5	*	2,000.0
Hydrochlorofluorocarbon-233 (HCFC-233)	5	*	2,000.0
Hydrochlorofluorocarbon-234 (HCFC-234)	5	*	2,000.0
Hydrochlorofluorocarbon-235 (HCFC-235)	5	*	2,000.0
Hydrochlorofluorocarbon-241 (HCFC-241)	5	*	2,000.0
Hydrochlorofluorocarbon-242 (HCFC-242)	5	*	2,000.0
Hydrochlorofluorocarbon-243 (HCFC-243)	5	*	2,000.0
Hydrochlorofluorocarbon-244 (HCFC-244)	5	*	2,000.0
Hydrochlorofluorocarbon-251 (HCFC-251)	5	*	2,000.0
Hydrochlorofluorocarbon-252 (HCFC-252)	5	*	2,000.0
Hydrochlorofluorocarbon-253 (HCFC-253)	5	*	2,000.0
Hydrochlorofluorocarbon-261 (HCFC-261)	5	*	2,000.0
Hydrochlorofluorocarbon-262 (HCFC-262)	5	*	2,000.0
Hydrochlorofluorocarbon-271 (HCFC-271)	5	*	2,000.0
Hydrogenated terphenyls	3	61788-32-7	365.8
Hydrogen bromide	3	10035-10-6	443.6
Hydrogen chloride	2, 3, 4	7647-01-0	311.2
Hydrogen cyanide	2, 3	74-90-8	443.6
Hydrogen fluoride	2, 3	7664-39-3	111.4
Hydrogen peroxide	3	7722-84-1	109.3
Hydrogen sulfide	3	7783-06-4	1,021.8
Hydroquinone	2, 3	123-31-9	145.1
2-Hydroxypropyl acrylate	3	999-61-1	218.6
Indeno (1,2,3-cd) pyrene	2, 3	193-39-5	Polycyclic Organic Matter
Indium	3	7440-74-6	7.4

Air Contaminant Name	Sources of Regulation (See Footnotes Below)	Chemical Abstract Service Number[7]	Inclusion Level (lbs/yr)
Iodine	3	7553-56-2	44.2
Iron dextran complex	3	9004-66-4	Group B Pharmaceutical
Iron salts, soluble, as Fe	3	*	73.6
Isobutyl alcohol	3	78-83-1	2,000.0
Isooctyl alcohol	3	26952-21-6	2,000.0
Isophorone	2, 3	78-59-1	1,110.1
Isophorone diisocyanate	3	4098-71-9	6.5
Isopropoxyethanol	3	109-59-1	2,000.0
Isopropylamine	3	75-31-0	874.6
N-Isopropylaniline	3	768-52-5	729.5
Isopropyl glycidyl ether	3	4016-14-2	2,000.0
Ketene	3	463-51-4	65.2
Lead compounds	2	7439-92-1*	2,000.0
Lindane and other hexachlorocyclohexane isomers	2, 3	58-89-9*	2.5
Maleic anhydride	2, 3	108-31-6	73.6
Manganese, as Mn, dust and compounds	2, 3	7439-96-5*	222.9
Melphalan	3	148-82-3	Group A Pharmaceutical
Mercury alkyl compounds, as Hg	2, 3	7439-97-6*	0.7
Mercury, all forms except alkyl, vapor, as Hg	2, 3	7439-97-6*	3.6
Mercury aryl & inorganic compounds, as Hg	2, 3	7439-97-6*	7.4
Mesityl oxide	3	141-79-7	2,000.0
Mestranol	3	72-33-3	Group B Pharmaceutical
Methacrylic acid	3	79-41-4	2,000.0
Methanol	2	67-56-1	2,000.0
Methomyl	3, 6	16752-77-5	182.9
Methoxychlor	2	72-43-5	2,000.0
2-Methoxyethanol (EGME)	3	109-86-4	1,166.8
2-Methoxyethyl acetate (EGMEA)	3	110-49-6	1,751.3
4-Methoxyphenol	3	150-76-5	365.8
Methyl acrylate	3	96-33-3	2,000.0
Methylacrylonitrile	3	126-98-7	218.6
Methylamine	3	74-89-5	874.6
Methyl n-amyl ketone	3	110-43-0	2,000.0
N-Methyl aniline	3	100-61-8	145.1
Methyl bromide	2, 3, 6	74-83-9	1,459.1
Methyl n-butyl ketone	3	591-78-6	1,459.1
Methyl chloride	2, 3	74-87-3	2,000.0
Methyl chloroform (1,1,1-Trichloroethane)	2	71-55-6	2,000.0
Methyl 2-cyanoacrylate	3	137-05-3	584.5
Methylcyclohexanol	3	25639-42-3	2,000.0
o-Methylcyclohexanone	3	583-60-8	2,000.0
Methyl demeton	3, 6	8022-00-2	35.7

Air Contaminant Name	Sources of Regulation (See Footnotes Below)	Chemical Abstract Service Number[7]	Inclusion Level (lbs/yr)
4,4'-Methylene bis (2-chloroaniline) (MOCA)	2, 3	101-14-4	25.0
Methylene bis (4-cyclohexylisocyanate)	3	5124-30-1	8.9
Methylene bisphenyl isocyanate (MDI)	2, 3	101-68-8	8.8
Methylene chloride	2, 3	75-09-2	2,000.0
4,4'-Methylenedianiline (and dihydrochloride)	2, 3	101-77-9*	25.0
Methyl ethyl ketone (2-Butanone) (MEK)	2	78-93-3	2,000.0
Methyl ethyl ketone peroxide	3	1338-23-4	67.3
Methyl formate	3	107-31-3	2,000.0
Methyl hydrazine	2, 3	60-34-4	67.3
Methyl iodide	2, 3	74-88-4	25.0
Methyl isoamyl ketone	3	110-12-3	2,000.0
Methyl isobutyl carbinol	3	108-11-2	2,000.0
Methyl isobutyl ketone	2, 3	108-10-1	2,000.0
Methyl isocyanate	2, 3	624-83-9	3.6
Methyl methacrylate	2, 3	80-62-6	2,000.0
Methyl parathion	3, 6	298-00-0	14.5
alpha-Methyl styrene	3	98-83-9	2,000.0
Methyl tert-butyl ether	2	1634-04-4	2,000.0
Mevinphos (Phosdrin)	3, 6	7786-34-7	7.4
Molybdenum, as Mo, soluble compounds	3	7439-98-7*	365.8
Monocrotophos	3, 6	6923-22-4	18.3
Morpholine	3	110-91-8	2,000.0
Mustard gas	3	505-60-2	Group A Pharmaceutical
Naled	3, 6	300-76-5	218.6
Naphthalene	2, 3	91-20-3	2,000.0
2-Naphthylamine	3	91-59-8	2.5
Nickel compounds other than nickel subsulfide, as Ni	2, 3	7440-02-0*	25.0
Nickel subsulfide	2, 3	12035-72-2	2.5
Nitric acid	3	7697-37-2	365.8
p-Nitroaniline	3	100-01-6	218.6
Nitrobenzene	2, 3	98-95-3	365.8
4-Nitrobiphenyl	2	92-93-3	2,000.0
p-Nitrochlorobenzene	3	100-00-5	46.6
Nitroethane	3	79-24-3	2,000.0
Nitrogen mustards (2,2'-Dichloro-N-methyldiethylamine)	3	51-75-2	Group B Pharmaceutical
Nitrogen oxides	1, 4	*	2,000.0
Nitromethane	3	75-52-5	2,000.0
4-Nitrophenol	2	100-02-7	2,000.0
2-Nitropropane	2, 3	79-46-9	25.0
Nitrosoamines (a total of all air contaminants listed as Nitrosoamines)	3	*	25**
N-Nitrosodi-n-butylamine	3	924-16-3	Nitrosoamine
N-Nitrosodiethanolamine	3	1116-54-7	Nitrosoamine

Air Contaminant Name	Sources of Regulation (See Footnotes Below)	Chemical Abstract Service Number[7]	Inclusion Level (lbs/yr)
N-Nitrosodiethylamine	3	55-18-5	Nitrosoamine
N-Nitrosodimethylamine	2, 3	62-75-9	Nitrosoamine
p-Nitrosodiphenylamine	3	156-10-5	Nitrosoamine
N-Nitrosodi-n-propylamine	3	621-64-7	Nitrosoamine
N-Nitroso-N-ethylurea	3	759-73-9	Nitrosoamine
N-Nitroso-N-methylurea	2, 3	684-93-5	Nitrosoamine
N-Nitrosomethylvinylamine	3	4549-40-0	Nitrosoamine
N-Nitrosomorpholine	2, 3	59-89-2	Nitrosoamine
N'-Nitrosonornicotine	3	16543-55-8	Nitrosoamine
N-Nitrosopiperidine	3	100-75-4	Nitrosoamine
N-Nitrosopyrrolidine	3	930-55-2	Nitrosoamine
N-Nitrososarcosine	3	13256-22-9	Nitrosoamine
Nitrotoluene, all isomers	3	99-08-1*	803.1
Octachloronaphthalene	3	2234-13-1	7.4
Oestradiol	3	50-28-2	Group B Pharmaceutical
Oxalic acid	3	144-62-7	73.6
Oxymetholone	3	434-07-1	Group B Pharmaceutical
Paraquat (respirable sizes)	3, 6	1910-42-5*	7.4
Parathion	2, 3, 6	56-38-2	7.4
Particulate matter	4	*	2,000.0
PM10	1, 4	*	2,000.0
Pentachloronaphthalene	3	1321-64-8	35.7
Pentachloronitrobenzene (Quintobenzene) (PCNB)	2	82-68-8	2,000.0
Pentachlorophenol	2, 3	87-86-5	35.7
Perchloroethylene	2, 3	127-18-4	2,000.0
Perchloromethyl mercaptan	3	594-42-3	58.9
Phenazopyridine and phenazopyridine hydrochloride	3	136-40-3*	Group B Pharmaceutical
Phenol	2, 3	108-95-2	1,385
Phenothiazine	3, 6	92-84-2	365.8
p-Phenylenediamine	2, 3	106-50-3	7.4
Phenyl ether vapor	3	101-84-8	510.9
Phenyl glycidyl ether (PGE)	3	122-60-1	437.3
Phenylhydrazine	3	100-63-0	766.1
Phenyl mercaptan	3	108-98-5	145.1
Phenytoin and sodium salt of phenytoin	3	57-41-0*	Group B Pharmaceutical
Phorate	3, 6	298-02-2	3.6
Phosgene	2, 3	75-44-5	29.4
Phosphine	2, 3	7803-51-2	29.4
Phosphoric acid	3	7664-38-2	73.6
Phosphorus (yellow)	2, 3	7723-14-0	7.4
Phosphorus oxychloride	3	10025-87-3	44.2
Phosphorus pentachloride	3	10026-13-8	73.6
Phosphorus pentasulfide	3	1314-80-3	73.6
Phosphorus trichloride	3	7719-12-2	109.3

Air Contaminant Name	Sources of Regulation (See Footnotes Below)	Chemical Abstract Service Number[7]	Inclusion Level (lbs/yr)
Phthalic anyhydride	2, 3	85-44-9	437.3
Pindone	3, 6	83-26-1	7.4
Platinum (metal)	3	7440-06-4	73.6
Platinum, soluble salts, as Pt	3	7440-06-4*	0.15
Polychlorinated biphenyls (PCB)	2, 3	1336-36-3	0.01
Polycyclic Organic Matter (a total of all air contaminants listed as Polycyclic Organic Matter)	2, 3	*	25**
Potassium hydroxide	3	1310-58-3	88.3
Procarbazine and procarbazine hydrochloride	3	366-70-1*	Group B Pharmaceutical
1,3-Propane sultone	2, 3	1120-71-4	25.0
Propargyl alcohol	3	107-19-7	145.1
beta-Propiolactone	2, 3	57-57-8	25.0
Propionaldehyde	2	123-38-6	2,000.0
Propoxur	2, 3, 6	114-26-1	35.7
Propylene dichloride	2, 3	78-87-5	2,000.0
Propylene oxide	2, 3	75-56-9	25.0
Propylenimine	2, 3	75-55-8	25.0
Propylthiouracil	3	51-52-5	Group B Pharmaceutical
Pyrethrum	3, 6	8003-34-7	365.8
Pyridine	3	110-86-1	1,095.4
Quinoline	2	91-22-5	2,000.0
Quinone	2, 3, 6	106-51-4	29.4
Reserpine	3	50-55-5	Group B Pharmaceutical
Resorcinol	3	108-46-3	2,000.0
Rhodium (metal)	3	7440-16-6	73.6
Rhodium, soluble compounds, as Rh	3	7440-16-6*	0.74
Rotenone (commercial)	3, 6	83-79-4	365.8
Selenium and compounds, as Se	2, 3	7782-49-2*	14.5
Silicon tetrahydride (Silane)	3	7803-62-5	510.9
Sodium bisulfite	3	7631-90-5	365.8
Sodium fluoroacetate	3, 6	62-74-8	3.6
Sodium hydroxide	3	1310-73-2	88.3
Stibine (Antimony hydride)	3, 6	7803-52-3	35.7
Stoddard solvent (Mineral spirits)	3	8052-41-3	2,000.0
Streptozotocin	3	18883-66-4	Group B Pharmaceutical
Strychnine	3, 6	57-24-9	10.9
Styrene, monomer	2, 3	100-42-5	2,000.0
Styrene oxide	2	96-09-3	2,000.0
Sulfotep (TEDP)	3, 6	3689-24-5	14.5
Sulfur dioxide	1, 4	7446-09-5	2,000.0
Sulfuric acid	3	7664-93-9	73.6
Sulfur monochloride	3	10025-67-9	267.0
Sulfur tetrafluoride	3	7783-60-0	17.7
Sulfuryl fluoride	3, 6	2699-79-8	1459.1

Air Contaminant Name	Sources of Regulation (See Footnotes Below)	Chemical Abstract Service Number[7]	Inclusion Level (lbs/yr)
Tellurium and compounds, as Te	3	13494-80-9*	7.4
TEPP	3, 6	107-49-3	3.6
Terphenyls	3	26140-60-3	222.9
2,3,7,8-Tetrachlorodibenzo-p-dioxin	2, 3	1746-01-6	0.00001
1,1,2,2-Tetrachloroethane	2, 3	79-34-5	510.9
Tetrachloronaphthalene	3	1335-88-2	145.1
Tetrahydrofuran	3	109-99-9	2,000.0
Thallium, soluble compounds, as Tl	3	7440-28-0*	7.4
Thionyl chloride	3	7719-09-7	222.9
Thiourea	3	62-56-6	25.0
Thiram	3, 6	137-26-8	365.8
Tin (metal)	3	7440-31-5	145.1
Tin organic compounds, as Sn	3	7440-31-5*	7.4
Tin oxide & inorganic compounds, except SnH4, as Sn	3	7440-31-5*	145.1
Titanium tetrachloride	2	7550-45-0	2,000.0
Toluene (Toluol)	2, 3	108-88-3	2,000.0
Toluene-2,4-diisocyanate (TDI)	2, 3	584-84-9	2.9
m-Toluidine	3	108-44-1	656
o-Toluidine	2, 3	95-53-4	2.5
Total reduced sulfur and reduced sulfur compounds	2	*	2,000.0
Tributyl phosphate	3	126-73-8	182.9
1,2,4-Trichlorobenzene	2, 3	120-82-1	1,774.4
1,1,2-Trichloroethane	2, 3	79-00-5	2,000.0
Trichloroethylene	2, 3	79-01-6	2,000.0
Trichloronaphthalene	3	1321-65-9	365.8
2,4,5-Trichlorophenol	2	95-95-4	2,000.0
2,4,6-Trichlorophenol	2	88-06-2	2,000.0
1,2,3-Trichloropropane	3	96-18-4	2,000.0
Triethylamine	2	121-44-8	2,000.0
Trifluralin	2	1582-09-8	2,000.0
Trimellitic anhydride	3	552-30-7	2.9
Trimethyl benzene, mixed isomers	3	25551-13-7	2,000.0
2,2,4-Trimethylpentane	2	540-84-1	2,000.0
Triorthocresyl phosphate	3	78-30-8	7.4
Triphenyl phosphate	3	115-86-6	218.6
Tris (1-aziridinyl) phosphine sulfide	3	52-24-4	Group B Pharmaceutical
Tungsten - as W, insoluble compounds	3	7440-33-7*	365.8
Tungsten - as W, soluble compounds	3	7440-33-7*	73.6
Uranium (natural), soluble & insoluble compounds, as U	3	7440-61-1*	14.5
Urethane (Ethyl carbamate)	2, 3	51-79-6	25.0
n-Valeraldehyde	3	110-62-3	2,000.0
Vinyl acetate	2, 3	108-05-4	2,000.0
Vinyl bromide	2	593-60-2	2,000.0
Vinyl chloride	2, 3	75-01-4	30.0

Air Contaminant Name	Sources of Regulation (See Footnotes Below)	Chemical Abstract Service Number[7]	Inclusion Level (lbs/yr)
Vinyl cyclohexene dioxide	3	106-87-6	1,314.0
Vinylidene chloride	2, 3	75-35-4	1,459.1
Vinyl toluene	3	25013-15-4	2,000.0
Volatile organic compounds (Reactive organic gases)	1	*	2,000.0
Warfarin	3, 6	81-81-2	7.4
Xylene, mixed isomers (Xylol)	2, 3	1330-20-7	2,000.0
m-Xylene	2, 3	108-38-3	2,000.0
o-Xylene	2, 3	95-47-6	2,000.0
p-Xylene	2, 3	106-42-3	2,000.0
m-Xylene-alpha,alpha'-diamine	3	1477-55-0	4.4
Xylidine, mixed isomers	3	1300-73-8	182
Zirconium and compounds, as Zr	3	7440-67-7*	365.8

1. Criteria Pollutant
2. Federal Hazardous Air Pollutant
3. State Hazardous Air Pollutant
4. Federal New Source Performance Standard
5. Stratospheric Ozone Depleting Substance
6. Pesticides, Rodenticides, Insecticides, Herbicides and Fungicides
7. The Chemical Abstact Service or CAS numbers refer to the unique chemical abstracts service registry number assigned to a specific chemical, isomer or mixture of chemicals or isomers and recorded in the CAS chemical registry system by the Chemical Abstracts Service, PO Box 3012, Columbus OH 42310, phone 1-800-848-5638 ext.2308.
8. Glycol ethers means any compound which can be described by the following chemical formula: R (OCH2CH2) n-OR'
   where: n = 1,2 or 3
   R = alkyl C7 or less
   or R = phenyl or alkyl substituted phenyl
   R' = H or alkyl C7 or less or ester, sulfate, phosphate, nitrate, sulfonate (i.e. any group that will readily come off)

* Indicates contaminants for which multiple CAS numbers may apply. For contaminants listed as a metal and its compounds, the given CAS number refers to the metal.

** For groups of air contaminants, the sum of the maximum theoretical emissions of all air contaminants in the group is used for comparison with the group inclusion level in Table 2. Each air contaminant in the group is listed alphabetically within the table.

(d) The following air pollution control requirements:

1. Citation and description of all applicable requirements.

2. Description of or reference to any applicable test method for determining compliance with each applicable requirement.

(e) Other specific information that may be necessary to implement and enforce other requirements of the act or to determine the applicability of the requirements.

(f) An explanation of any proposed exemptions from otherwise applicable requirements.

(g) Additional information necessary to define alternate operating scenarios pursuant to s. NR 407.09 (2) (b), or to define permit terms and conditions implementing the permit flexibility provisions of s. NR 407.025 or internal offset provisions of s. NR 425.05.

(h) A compliance plan that contains all of the following:

1. A description of the compliance status of the source with respect to all applicable requirements.

2. A description as follows:

a. For applicable requirements with which the source is in compliance, a statement that the source will continue to comply with the requirements.

b. For applicable requirements that will become effective during the permit term, a statement that the source will meet the requirements on a timely basis.

c. For requirements for which an existing source is not proposed to be in compliance at the time of permit issuance, a narrative description of how the source will achieve compliance with the requirements.

3. A compliance schedule as follows:

a. For applicable requirements with which the source is in compliance, a statement that the source will continue to comply with the requirements.

b. For applicable requirements that will become effective during the permit term, a statement that the source will meet the requirements on a timely basis, unless a more detailed schedule is expressly required by the applicable requirement.

c. For existing sources, a compliance schedule for sources which are not proposed to be in compliance with all applicable requirements at the time of permit issuance. The schedule shall include a series of remedial measures, including an enforceable sequence of actions with milestones, leading to compliance with any applicable requirements for which the source will be in noncompliance at the time of permit issuance. This compliance schedule shall resemble and be at least as stringent as that contained in any judgment, judicial consent decree or stipulation or administrative order to which the source is subject.

4. A schedule for submission of progress reports, certified pursuant to par. (j), no less frequently than every 6 months for existing sources which are not in compliance with all applicable requirements on the date of permit issuance.

5. The compliance plan content requirements specified in this paragraph shall apply to and be included in the portion of a compliance plan required under the acid rain program for an affected source, except as specifically superseded by regulations promulgated under the acid rain program with regard to the schedule and method the source will use to achieve compliance with the emissions limitations pursuant to the acid rain program.

(i) Requirements for compliance certification, including the following:

1. A certification of the source's compliance status with all applicable requirements by a responsible official consistent with par. (j).

2. A description of the methods used for determining compliance, including a description of monitoring, recordkeeping and reporting requirements and test methods.

3. A schedule for submission of compliance certifications during the permit term, to be submitted no less frequently than annually, or more frequently if specified by the underlying applicable requirement or by the department.

4. A statement indicating the source's compliance status with any applicable enhanced monitoring and compliance certification requirements under s. 114 (a) (3) of the act (42 USC 7414 (a) (3)).

(j) Any application form, report or compliance certification submitted pursuant to this section shall require certification by a responsible official of the truth, accuracy and completeness of the submission. This certification and any other certification required under this chapter shall state that, based on information and belief formed after reasonable inquiry, the statements and information in the document are true, accurate and complete.

(5) The applicant shall use nationally-standardized forms for the portions of permit applications and compliance plans related to acid rain program requirements, as required by regulations promulgated under the acid rain program.

Note: These forms may be obtained from the district and area offices of the Department or from the Wisconsin Department of Natural Resources, Bureau of Air Management, Permits Section, P.O. Box 7921, Madison WI 53707-7921 or U. S. EPA, Region 5, 77 W. Jackson, Chicago IL 60604.

(6) The applicant shall specifically identify all information in the permit application for which confidential status is sought and shall follow procedures in s. 144.33, Stats., and s. NR 2.19 to request confidential status for that information. In addition to the copies of the complete application required under sub. (2), an applicant requesting confidentiality shall also supply to the department 3 copies of the application with all confidential material deleted for forms and other materials which are submitted on paper. The applicant shall file one copy of all forms and other materials with all confidential material deleted if submitted in electronic format.

(7) Applications for general operation permits shall be submitted on forms supplied by the department and shall include all information necessary to determine qualification for and assure compliance with the general operation permit.

(8) Nothwithstanding sub. (4) (intro.), the initial applications for existing, non-part 70 sources submitted pursuant to s. NR 407.04 (1) and initial applications for new or modified sources for which no construction permit is required do not need to include the information in sub. (4) (d), (f), (h) and (i).

History: Cr. Register, December, 1984, No. 348, eff. 1-1-85; r. and recr. Register, December, 1993, No. 456, eff. 1-1-94.

NR 407.06 Complete applications. (1) An application for an operation permit shall be initially deemed complete only if it contains all of the information described in s. NR 407.05 (4) and, for each form submitted, if all portions of that form which are specifically designated as necessary for a complete application are completed. The department may require an applicant to submit data necessary to complete any incomplete application.

(2) After an application for an operation permit has been initially deemed complete, the department may require additional information, including other information than that requested on the application forms, as needed to process the application. The department shall specify, in writing, a reasonable time period, of not less than 30 days, for the applicant to submit the requested information. The applicant may request and the department may grant a reasonable extension of the time period to submit the requested information. If the applicant does not supply the information requested by the date specified, the authorization for an existing source to operate under s. 144.3925 (7), Stats., shall no longer apply to the source.

(3) Unless the department determines in writing that an application for an operation permit is not complete within 20 days from the date that the application or additional information requested under sub. (2) is submitted, the application shall be deemed complete.

History: Cr. Register, December, 1993, No. 456, eff. 1-1-94.

NR 407.07 Action on applications. (1) The department shall follow the procedures in s. 144.3925, Stats., in acting on applications for operation permits and for renewals of operation permits. The requirements in s. 144.3925 (5m) (a) to (c), Stats., do not apply with respect to non-part 70 sources.

(2) For applications for existing sources received within one year after the effective date of this rule ... [revisor insert date], the department shall issue or deny the operation permit within 30 months after receiving a complete application.

(3) For applications for new or modified sources for which a construction permit is required under s. 144.391 (1) (a), Stats., and ch. NR 406, the department shall:

(a) Conduct the review, notification and publication, public comment and public hearing processes under s. 144.3925 (3) to (5), Stats., for the operation permit simultaneously with the similar processes under s. 144.392 (3) to (7), Stats., for the construction permit.

(b) Issue or deny the operation permit within 180 days after the applicant submits to the department the results of all equipment testing and emission monitoring required under the construction permit.

(c) 1. Except as provided in subd. 3, for part 70 sources, if, when comparing the permit conditions and emissions allowed under the construction permit to the permit conditions and emissions that would be allowed under the proposed operation permit prepared pursuant to s. 144.3925 (5m), Stats., there will be a change that would require treatment as a significant permit revision under s. NR 407.13, the department shall repeat the review, notification and publication, and public comment and public hearing processes under s. 144.3925 (3), (4) and (5), Stats., with the new proposed conditions or higher levels of emissions prior to further processing of the permit.

2. For non-part 70 sources, if, when comparing the permit conditions and emissions allowed under the construction permit to the permit conditions and emissions that would be allowed under the operation permit, there will be a change that would require treatment as a significant permit revision under s. NR 407.13, the department shall repeat the review,

notification and publication, public comment and public hearing processes under s. 144.3925 (3), (4) and (5), Stats., with the new proposed conditions or higher levels of emissions prior to issuing the permit.

3. Notwithstanding subd. 1, for permits issued to part 70 sources prior to EPA approval of Wisconsin's operation permit program under s. 502 (d) of the act (42 USC 7661a (d)), if, when comparing the permit conditions and emissions allowed under the construction permit to the permit conditions and emissions that would be allowed under the operation permit, there will be a change that would require treatment as a significant permit revision under s. NR 407.13, the department shall repeat the review, notification and publication, public comment and public hearing processes under s. 144.3925 (3), (4) and (5), Stats., with the new proposed conditions or higher levels of emissions prior to issuing the permit.

History: Cr. Register, December, 1993, No. 456, eff. 1-1-94.

NR 407.08 Dates by which permits are required. (1) EXISTING SOURCES. Except as provided in s. 144.3925 (7), Stats., no stationary source which is required to obtain an operation permit under s. 144.391 (2) (a), Stats., and this chapter may operate after the date specified for that source in Table 1 of s. NR 407.04 without an operation permit issued by the department.

(2) NEW OR MODIFIED SOURCES. Except as provided in s. 144.391 (1) (a) 2, Stats., no new or modified source which is required to obtain an operation permit under s. 144.391 (1) (b), Stats., and this chapter may operate without an operation permit issued by the department.

History: Cr. Register, December, 1993, No. 456, eff. 1-1-94.

NR 407.09 Permit content. (1) STANDARD PERMIT REQUIREMENTS. Each permit issued under this chapter shall include, at a minimum, the following elements:

(a) Emission limitations and standards, including those operational requirements and limitations that are applied to assure compliance with all applicable requirements at the time of permit issuance, as follows:

1. The origin of and authority for each limitation, standard or requirement shall be specified and referenced and any difference in form as compared to the applicable requirement upon which the limitation, standard or requirement is based shall be identified.

2. Where an applicable requirement of the act is more stringent than an applicable requirement of the acid rain program, both provisions shall be incorporated into the permit and shall be enforceable by the department and by EPA.

(b) The duration of the permit as follows:

1. The term of an operation permit may not exceed 5 years.

2. The term of an operation permit issued to an affected source shall be fixed at 5 years.

(c) Monitoring, related recordkeeping and reporting requirements, as follows:

1. All applicable monitoring requirements, including:

a. All emissions monitoring, analysis procedures and test methods required under the applicable requirements.

b. Where the applicable requirement does not require periodic testing or instrumental or noninstrumental monitoring, periodic monitoring or testing sufficient to yield reliable data from the relevant time period that are representative of the stationary source's compliance with the permit. Monitoring or testing requirements shall assure use of terms, test methods, units, averaging periods and other statistical conventions consistent with the applicable requirement. Monitoring may consist of recordkeeping sufficient to meet the requirements of this subparagraph. Permits for non-part 70 sources shall contain the requirements in this subparagraph only for those air contaminants emitted from an emissions unit, operation or activity where the actual emissions exceed the levels in Table 2 in s. NR 407.05. Actual emissions used for this determination shall be those reported under ch. NR 438 for the most recent year prior to when the permit or renewal is issued.

c. As necessary, requirements concerning the use, maintenance, calibration and, where appropriate, installation of monitoring equipment or methods.

2. All applicable recordkeeping requirements in s. NR 439.04.

3. Reporting requirements consistent with all applicable requirements and including the following:

a. Submittal of reports required under s. NR 439.03 (1) (b).

b. Prompt reporting of deviations from and violations of permit terms and conditions in accordance with s. NR 439.03 (4), (5) and (6).

(d) A severability clause that states that, in the event of a successful challenge to any portion of the permit, all other portions of the permit remain valid and effective.

(e) A provision requiring the payment of fees required under ch. NR 410.

(f) Provisions stating the following:

1. The permittee has the duty to comply with all conditions of the permit. Any noncompliance with the operation permit constitutes a violation of the statutes and is grounds for enforcement action; for permit suspension, revocation or revision; or, if allowed under s. 144.3925 (6), Stats., for denial of a permit renewal application.

2. It is not a defense for a permittee in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the permit.

3. The permit may be revised, revoked or suspended for cause under this chapter. The filing of a request by the permittee for a permit revision or for revocation, or the filing of notification of planned changes under s. NR 407.025 or of anticipated noncompliance, does not stay any permit condition.

4. The permit does not convey any property rights of any sort, or any exclusive privilege.

5. The permittee shall furnish to the department, within a reasonable time specified by the department, any information that the department may request in writing to determine whether cause exists to revise, revoke or suspend the permit or to determine compliance with the permit. Upon request, the permittee shall also furnish to the department copies of records required to be kept pursuant to the permit.

(2) SPECIAL PERMIT REQUIREMENTS. Each permit issued under this chapter shall include the following elements if they are applicable to a stationary source:

(a) For affected sources, conditions prohibiting emissions exceeding any allowances that the source lawfully holds under the acid rain program, including allowances allocated directly to the source through the acid rain program, and allowances obtained through the emissions trading provisions of the acid rain program, subject to the following qualifications:

1. No permit revision may be required for increases in emissions that are authorized by allowances acquired pursuant to the acid rain program, provided that the increases do not require a permit revision under any other applicable requirement.

2. No limit may be placed on the number of allowances that may be held by the stationary source.

3. A stationary source may not use allowances as a defense to noncompliance with any applicable requirement other than the requirements of the acid rain program.

4. Any acid rain allowance shall be accounted for according to the procedures established in the acid rain program.

(b) For those stationary sources which identify reasonably anticipated alternate operating scenerios in their applications, terms and conditions covering reasonably anticipated alternate operating scenarios that are approved by the department. The terms and conditions:

1. Shall require the permittee, contemporaneously with making a change from one operating scenario to another, to record in a log at the permitted facility a record of the scenario under which it is operating; and

2. Shall require the source to comply with all applicable requirements for each alternate operating scenario.

(c) For sources for which an internal offset has been approved by the department under s. NR 425.05, terms and conditions, if the permit applicant requests them, for the trading of emissions increases and decreases in the permitted facility, to the extent that the applicable requirements and internal offset approval allow for such trading without a case-by-case approval of each emissions trade.

(d) For stationary sources that have previously been issued an air pollution control permit, provisions consistent with any condition in that permit if the provisions are still applicable to that stationary source. Conditions which may be considered still applicable include, but are not limited to, the following:

1. Any best available control technology or lowest achievable emission rate limitations established under ch. NR 405, 408 or 445 or pursuant to parts C or D of title I of the act (42 USC 7470 to 7492 or 7501 to 7515).

2. Any conditions that a permittee requested in order to avoid being considered a major source or major modification under ch. NR 405 or 408 or to avoid any other requirement that would otherwise be applicable to the source.

3. Any source-specific emission limits contained in a permit under any applicable requirement.

(3) FEDERALLY ENFORCEABLE REQUIREMENTS. (a) Except as provided in par. (b), all terms and conditions in an operation permit for a part 70 source, including any provisions designed to limit a stationary source's potential to emit, are enforceable by the administrator under s. 113 (a) of the act (42 USC 7413 (a)) and citizens under s. 304 of the act (42 USC 7604).

(b) Notwithstanding par. (a), the department shall specifically designate as not federally enforceable under the act any terms and conditions included in the permit that are not required under the act, under any of the act's applicable requirements or under the state implementation plan.

(4) COMPLIANCE REQUIREMENTS. (a) All operation permits shall contain the following provisions with respect to compliance:

1. Compliance testing, monitoring, reporting and recordkeeping requirements sufficient to assure compliance with the terms and conditions of the permit. Any document required under an operation permit and submitted to the department, including reports, shall contain a certification by a responsible corporate official that meets the requirements of s. NR 407.05 (4) (j).

2. Inspection and entry requirements in accordance with ss. 144.34 and 144.31 (2) (f), Stats., and s. NR 439.05.

3. Requirements for certifying compliance with terms and conditions contained in the permit, including emission limitations, standards and work practices. Permits shall include each of the following:

a. The required frequency of submission of compliance certifications, which shall be not less than annually or more frequently if specified in the applicable requirement or by the department;

b. Means for assessing or monitoring the compliance of the source with its emissions limitations, standards and work practices, except that for non-part 70 sources, the means need only be included to the extent needed to comply with sub. (1) (c);

c. A requirement that the compliance certification include the information listed in s. NR 439.03 (7);

d. A requirement that all compliance certifications for part 70 sources be submitted to the administrator as well as to the department; and

e. Additional provisions as may be required pursuant to ss. 114 (a) (3) and 504 (b) of the act (42 USC 7414 (a) (3) and 7661c (b)).

(b) All operation permits for existing sources which are not proposed to be in compliance with all applicable requirements at the time of permit issuance shall contain a compliance schedule as described in s. 144.3935 (1) (a) 1, Stats., and a schedule for submission of progress reports, consistent with the applicable compliance schedule, to be submitted at least semiannually, or more frequently if specified in the applicable requirement or by the department. Progress reports shall contain the following:

1. The dates specified in the permit for achieving the activities, milestones or compliance required in the compliance schedule, and the dates when the activities, milestones or compliance were achieved; and

2. An explanation of why any dates in the compliance schedule were not or will not be met, and any preventive or corrective measures adopted.

(5) PERMIT SHIELD. (a) An operation permit shall include a provision pursuant to and consistant with s. 144.3925 (9) (b), Stats.

(b) Neither s. 144.3925 (9) (b), Stats., nor any condition in a permit may alter or affect the following:

1. The authority of the administrator under s. 303 of the act (42 USC 7603);

2. The liability of an owner or operator of a stationary source for any violation of applicable requirements prior to or at the time of permit issuance;

3. The applicable requirements of the acid rain program; or

4. The ability of EPA to obtain information from a source pursuant to s. 114 of the act (42 USC 7414).

History: Cr. Register, December, 1993, No. 456, eff. 1-1-94.

NR 407.10 General permits. (1) The department may issue general operation permits for stationary sources in accordance with s. 144.391 (3m), Stats. The department may not issue a general operation permit to an affected source.

Note: A listing of sources covered by general permits may be obtained from the district and area offices of the Department or from the Wisconsin Department of Natural Resources, Bureau of Air Management, Permits Section, P.O. Box 7921, Madison WI 53707-7921.

(2) Categories of stationary sources which may be covered by a general operation permit are those which:

(a) Perform the same or substantially similar operations;

(b) Produce the same types of air contaminants;

(c) Employ the same or substantially similar capture and control systems, if applicable;

(d) Are subject to the same emission limitations and other state and federal standards that may be applicable to the sources in the category; and

(e) In the opinion of the department, are more appropriately controlled under a general operation permit than under individual operation permits.

(3) The department shall issue general operation permits for source categories using the procedures and criteria in ss. 144.3925 to 144.399, Stats. The department may then determine that a source will be covered by the general permit if the source applies for coverage and demonstrates that the source qualifies for coverage under that general permit. A general operation permit shall require any stationary source covered by it to comply with ss. 144.392 to 144.399, Stats. Inclusion of a source under a general permit is not an appealable decision under s. 144.403, 227.42, 227.52 or 227.53, Stats.

(4) The department shall specify the term of a general operation permit in the permit. The term may not exceed 5 years from the date of issuance or renewal.

(5) General operation permits shall contain emission limits, monitoring and recordkeeping requirements, reporting requirements, general conditions and applicability criteria.

(6) Notwithstanding the existence of a general operation permit for a stationary source category to which an individual source belongs, no individual source may be covered by a general operation permit if:

(a) 1. The stationary source is located in or has a significant impact on an area which has been designated nonattainment for particulates, sulfur dioxide, nitrogen oxides, carbon monoxide or lead; and

2. The stationary source has maximum theoretical emissions of the air contaminant for which the area has been designated nonattainment of more than 9.0 pounds per hour for sulfur dioxide or carbon monoxide nonattainment areas; 5.7 pounds per hour for particulate matter or nitrogen dioxide nonattainment areas; or 0.13 pounds per hour for lead nonattainment areas.

(b) The stationary source is applying for a permit to operate an emissions unit to which a general operation permit applies, and the emissions unit would be a major source or a major modification to a major source under ch. NR 405 or 408;

(c) The stationary source includes any emissions unit which is not eligible for coverage under a general operation permit;

(d) The stationary source causes or exacerbates, or may cause or exacerbate a violation of any ambient air quality standard or ambient air increment; or

(e) The department determines that the stationary source is more appropriately regulated by an individual operation permit.

(7) (a) The department shall withdraw a stationary source from coverage under a general operation permit and issue an individual operation permit upon written request of the permittee. The permittee shall submit a complete application for an operation permit under s. NR 407.05 at the time the request is made. The application shall be processed pursuant to ss. NR 407.06 and 407.07 and s. 144.3925, Stats.

(b) When an individual operation permit is issued for a source which would otherwise be covered by a general operation permit, the applicability of the general operation permit to the source is terminated on the effective date of the individual operation permit.

(8) An owner or operator of a stationary source who holds an individual operation permit for a source which is eligible for coverage by a general operation permit may request that the department revoke the individual operation permit pursuant to s. NR 407.15 (1) (d) and allow the source to be covered by the general operation permit. The department may grant the request if it determines that the requirements of this section are met.

History: Cr. Register, December, 1993, No. 456, eff. 1-1-94.

NR 407.11 Administrative permit revisions. (1) ELIGIBILITY. Upon request of a permittee, the department may revise an operation permit administratively using the procedures in this section if the revision requested is one of the following:

(a) Correction of a typographical error;

(b) A change in the name, address or telephone number of any person identified in the permit, or a similar administrative change at the stationary source, unrelated to emissions;

(c) More frequent monitoring, recordkeeping or reporting by the permittee; or

(d) A change in ownership or operational control of a stationary source if the department determines that no other change in the permit is necessary, provided that a written agreement containing a specific date for transfer of permit responsibility, coverage and liability between the current and new permittee has been submitted to the department.

(2) ACID RAIN. Administrative permit revisions to the acid rain provisions of the permit shall be governed by s. NR 407.17.

(3) PROCEDURES. The department shall use the following procedures in processing administrative permit revisions:

(a) Any person holding an operation permit who seeks an administrative permit revision shall file a written request with the department. The request shall identify the permit to be administratively revised, outline the specific item for which a revision is sought, and set forth the reasons why a permit revision is sought. The request shall be signed by a responsible official and shall be provided to the bureau of air management, either by personal delivery to the office, located at 101 South Webster Street, Madison, Wisconsin, or by mailing to the following address: P.O. Box 7921, Madison WI 53707.

(b) The department shall act on a request for an administrative permit revision within 60 days of receipt of a complete request under this section. The department may administratively revise the operation permit, without providing notice or opportunity for comment or hearing to the public, affected states or EPA, provided that the department determines the revision is one allowed under this section.

(c) Except as provided in s. NR 407.16, the department shall submit a copy of the revised operation permit to the administrator.

(4) SCHEDULE. The permittee may implement the change addressed in the request for an administrative permit revision immediately upon submittal of the request. If the department determines that the proposed change may not be made pursuant to an administrative permit revision, and the permittee has already made the change at the facility, the permittee shall be liable for violation of the permit condition it is requesting to be revised.

History: Cr. Register, December, 1993, No. 456, eff. 1-1-94.

NR 407.12 Minor revisions. (1) ELIGIBILTY. Any person holding an operation permit may submit a request to the department to revise the operation permit, to reflect a proposed change at the facility, using the minor permit revision procedures described in this section, provided the proposed change is exempt from department review under chs. NR 405, 406 and 408 and the proposed change meets all of the following criteria:

(a) Does not violate any applicable requirement;

(b) Does not involve significant changes to existing monitoring, reporting or recordkeeping requirements in the permit;

Note: An insignificant change in monitoring would be a switch from one validated reference test method for a pollutant and source category to another, where the permit does not already provide for an alternative test method.

(c) Does not require or change a source-specific determination of an emission limitation or other standard, a source-specific limitation based on ambient air impacts or a visibility or ambient air increment analysis; and

(d) Does not seek to establish or change a permit term or condition for which there is no corresponding underlying applicable requirement and which the source has accepted in its permit in order to avoid an applicable requirement to which it would otherwise be subject. This type of term or condition includes, but is not limited to:

1. An emissions cap accepted by the source to avoid a previous change being classified as a modification under s. 144.30 (20), Stats., and rules promulgated thereunder; and

2. An alternative emission limit approved pursuant to regulations promulgated under s. 112 (i) (5) of the act (42 USC 7412 (i) (5)).

(2) ACID RAIN. No minor permit revision may be requested or made to any acid rain provision of a permit.

(3) PERMITTEE'S REQUEST. A request for a minor permit revision shall be submitted using forms provided by the department and shall include the following:

(a) A description of the change, the effect on emissions resulting from the change, and any additional applicable requirements that will apply if the change occurs;

(b) The permittee's suggested draft permit containing all applicable permit content elements under s. NR 407.09;

(c) Certification by a responsible official in accordance with s. NR 407.05 (4) (j) that the proposed revision meets the criteria in sub. (1); and

(d) Completed forms for the department to use to notify EPA and the affected states of the proposed minor permit revision.

(4) SCHEDULE AND PROCEDURES. (a) Except as provided in s. NR 407.16, within 5 working days of receipt of a complete request for a minor permit revision, the department shall notify EPA, affected states, and those listed in s. 144.3925 (3) (b) 2 to 5, Stats., of the request for minor permit revision. The department shall then accept comments on the proposed revision for 30 days, commencing on the date that notice is given. If an affected state has submitted comments in response to the notice and the department has not accepted those comments, the department shall notify that state and EPA in writing of its decision not to accept the comments and the reasons for that decision.

(b) The department may not act on a request for a minor permit revision until 45 days after providing notice of the requested revision to EPA or until EPA has notified the department that EPA will not object to issuance of the minor permit revision, whichever is first. Within 90 days of the department's receipt of a complete request for a minor permit revision or 15 days after the end of EPA's 45-day review period, whichever is later, the department shall either:

1. Issue the minor permit revision as proposed;

2. Deny the minor permit revision; or

3. If the department determines that the revision may not be issued as proposed but could be issued if it were amended, amend the draft permit revision, transmit the amended revision to EPA, affected states, and those listed in s. 144.3925 (3) (b) 2 to 5, Stats., and process the amended proposed minor permit revision under this subsection.

(c) The permittee may make the change proposed in its request for a minor permit revision immediately after it files the request. After the permittee makes the change, and until the department takes any of the actions specified in par. (b), the permittee shall comply with both the applicable requirements governing the change and the permittee's suggested draft new permit terms and conditions. During this time period, the permittee need not comply with the permit terms and conditions it is seeking to revise. However, if the permittee fails to comply with its suggested draft new permit terms and conditions during this time period, the existing permit terms and conditions it seeks to revise may be enforced against it. If the department determines that the proposed change may not be made pursuant to a minor permit revision, and the permittee has already made the change at the facility, the permittee shall be liable for any violations of the permit conditions it is requesting to be revised.

(5) PERMIT SHIELD. The permit shield under s. 144.3925 (9) (b), Stats., may not be extended to minor permit revisions.

History: Cr. Register, December, 1993, No. 456, eff. 1-1-94.

NR 407.13 Significant revisions. This section applies to operation permit revisions requested by the permittee that cannot be accomplished under s. NR 407.11 or 407.12. A permit revision to any acid rain provisions of the permit shall be governed by s. NR 407.17. Requests for significant permit revisions shall comply with s. 144.3925, Stats., and s. NR 407.05. The department shall use the procedures in s. 144.3925, Stats., and ss. NR 407.07 and 407.09 when processing requests for significant

revisions. The department shall process the majority of significant revisions within 9 months after receipt of a complete application.

History: Cr. Register, December, 1993, No. 456, eff. 1-1-94.

NR 407.14 Permit revision by the department. (1) CRITERIA. The department may, on its own motion, revise an operation permit for any of the following reasons:

(a) There is or has been a significant or recurring violation of any condition of the permit.

(b) The permit needs to be revised to assure compliance with applicable requirements.

(c) There is a change in any applicable requirement, a new applicable requirement, or an additional applicable requirement.

(d) There is a change in any applicable emission limitation, ambient air quality standard or ambient air quality increment that requires either a temporary or permanent reduction or elimination of the permitted emission.

(f) The permittee has misrepresented or failed to disclose fully all relevant facts when obtaining an operation permit.

(g) There was a reconstruction, replacement or modification of the stationary source that did not require a construction permit under ch. NR 405, 406 or 408.

(h) The permit contains a material mistake or inaccurate or unclear statements.

(i) The permit contains a typographical error.

(2) ACID RAIN. Revisions to the acid rain provisions of the permit shall be governed by s. NR 407.17.

(3) PROCEDURES. The department shall use the procedures in s. 144.3925, Stats., and s. NR 407.09 when processing revisions under this section unless the change is one described in s. NR 407.11 (1), in which case the procedures in s. NR 407.11 (3) (b) and (c) may be used. The department shall provide a written notice of intent to revise the permit to the permittee at least 30 days prior to initiating a permit revision under this section.

(4) TIMETABLE FOR ISSUANCE. Revisions under this section shall be issued within 180 days of giving notice under sub. (3).

(a) If the revision is being made to include a new applicable requirement in a permit, the department shall issue the revision under this section no later than 18 months after promulgation of the new applicable requirement. In cases where the effective date of the applicable requirement is later than the date on which the permit is due to expire, revision under this section is not required.

(b) The department may not issue a permit revision under this section until after the 45 day period EPA has to review the proposed action under s. 144.3925 (5m) (b), Stats., or until EPA has notified the depart-

ment that EPA will not object to issuance of the revised permit, whichever is first.

History: Cr. Register, December, 1993, No. 456, eff. 1-1-94.

NR 407.15 Air pollution control operation permit suspension and revocation. After providing 21 days written notice to the permittee and to the persons listed in s. 144.3925 (3) (b) 2 to 7, Stats., the department may suspend or revoke an operation permit, part of that permit or the conditions of that permit if there is or was:

(1) VIOLATION. A significant or recurring violation of any condition of the permit which causes or exacerbates a violation of any ambient air quality standard or ambient air increment or which causes air pollution;

(2) MISREPRESENTATION OR DELIBERATE FAILURE TO DISCLOSE. Any misrepresentation or deliberate failure to disclose fully all relevant, significant facts when obtaining the permit;

(3) DEPARTMENT DETERMINATION. A determination by the department that the permit must be revoked to assure compliance with the applicable requirements;

(4) REQUEST. A request by the permittee to suspend or revoke the permit;

(5) FAILURE TO PAY FEES. An intentional failure by the permittee to pay in full the fees required under ch. NR 410, except the department may not suspend or revoke the permitfor failure to pay fees while those fees are being disputed under s. NR 410.04 (6);

(6) FAILURE TO FILE ANNUAL EMISSION INVENTORY REPORTS. An intentional failure by the permittee to file annual air emission inventory reports required under s. NR 438.03; or

(7) SOURCE SHUTDOWNS. A permament shutdown of operations of a stationary source so that it no longer needs a permit.

History: Cr. Register, December, 1993, No. 456, eff. 1-1-94.

NR 407.16 Revision procedures for non-part 70 source permits and state-only requirements for part 70 sources. Notwithstanding the requirements to give notice to affected states and EPA under ss. NR 407.11 (3) (c), 407.12 (4), 407.13, 407.14 (4) and 407.15 (1), an operation permit may be revised, suspended or revoked without giving notice to affected states or EPA if the operation permit is for a source that is a non-part 70 source, or if the condition being revised is a requirement identified as not being federally enforceable under s. NR 407.09 (3) (b).

History: Cr. Register, December, 1993, No. 456, eff. 1-1-94.

NR 407.17 Revisions of acid rain provisions. (1) GENERAL. (a) This section governs revisions to the acid rain provisions of any operation permit issued by the department under this chapter.

(b) A request for a permit revision may be submitted to the department at any time. No permit revision may affect the duration of the permit to be revised. No permit revision may excuse any violation of an applicable requirement of the acid rain program that occurred prior to the effective date of the revision.

(c) The terms of the permit shall apply while the request for a permit revision is pending.

(d) The applicable requirements of the acid rain program may not be modified or voided by a permit revision.

(e) Any request for a permit revision to incorporate a compliance option that was not submitted for approval and comment during the permit issuance process, or involving a change in a compliance option that was previously submitted, shall meet the requirements for applying for that compliance option under 40 CFR 72.40 to 72.44.

(f) For permit revisions not described in sub. (2) or (3), the department may, at its discretion, determine whether the revision request will be processed under sub. (2) or (3).

(2) SIGNIFICANT PERMIT REVISIONS. (a) Applications for the following revisions shall be processed as significant permit revisions:

1. Relaxation of an excess emission offset requirement after approval of the offset plan by the administrator;

2. Incorporation of a final nitrogen oxides alternative emission limitation pursuant to s. 407 (d) of the act (42 USC 7651f (d)); and

3. Determinations concerning failed repowering projects under 40 CFR 72.44 (g) (1) (i) and (2).

(b) Requests for the following permit revisions shall be processed, at the option of the designated representative submitting the request for the permit revision, under either the significant permit revision procedures in par. (c) or under the fast-track revision procedures in sub. (3):

1. Use of a compliance option that the designated representative did not submit for approval and comment during the permit issuance process, except that incorporation of a reduced utilization plan that does not designate a compensating unit, and that meets the requirements for phase I reduced utilization plans in 40 CFR 72.43, may be processed using the administrative permit revision procedures in sub. (4);

2. Changes in a substitution plan or reduced utilization plan that result in the addition of a new substitution unit or a new compensating unit under the plan;

3. Addition of a nitrogen oxides averaging plan to a permit; and

4. Changes in a phase I extension plan, phase II repowering extension plan, nitrogen oxides averaging plan, or nitrogen oxides compliance deadline extension.

(c) Requests for significant permit revisions shall be processed in accordance with s. 144.3925, Stats., except that the department shall act on the majority of the requests for significant permit revisions within 9 months after receipt of a complete application.

(d) An affected source requesting a significant permit revision under this subsection shall comply with all applicable requirements proposed in the request for revision while the request is pending. Where a conflict exists between an applicable requirement proposed in the request for revision and an existing permit provision, the source shall comply with the existing permit provision.

(3) FAST-TRACK REVISIONS. The following procedures shall apply to requests for fast-track revisions submitted under sub. (2):

(a) The designated representative shall serve a copy of a request for a fast-track revision on the administrator, the department, the public service commission of Wisconsin and any other state or local utility regulatory authority with jurisdiction over the owners of any source or any unit covered by the permit, the state or local air pollution agency for any affected state and any interested person. Within 5 business days of serving the copies, the designated representative shall provide public notice of the request for revision by publication in a newspaper of general circulation in the area where the source is located or in the official state newspaper. The notice shall be designed to give public notice of the substance of the requested permit revision and of the opportunity for public comments.

(b) Anyone who wishes to comment shall have a period of 30 days, commencing on the date of publication of the notice under par. (a), to comment on the request for a fast-track revision. Comments shall be submitted in writing to the department and to the designated representative.

(c) Within 30 days of the close of the public comment period provided under par. (b), the department shall review the request for fast-track revision and the comments received on it and approve, in whole or in part or with changes or conditions as appropriate, or disapprove the request for revision.

(4) ADMINISTRATIVE PERMIT REVISION. (a) Requests for the following revisions shall be processed as administrative permit revisions:

1. Revisions to a permit to include a compliance option that has previously been conditionally approved by the department, provided that the following requirements are met:

a. The designated representative shall notify the department in writing that the conditionally-approved compliance option will be pursued beginning January 1 of a specified year. If the conditionally-approved compliance option includes a plan involving units at more than one affected source, the designated representative of each source governed by the plan shall sign and certify the notification in accordance with s. NR 407.05 (4) (j). The notification shall be subject to the limitations on activation under subpar. b and 40 CFR 72.40 to 72.44.

b. The notification under subpar. a shall specify the first calendar year and the last calendar year for which the conditionally-approved compliance option is to be activated. A conditionally-approved compliance option shall be activated, if at all, before the date of any enforceable milestone applicable to the compliance option. The date of activation of the compliance option may not be a defense against failure to meet the requirements applicable to that compliance option during each calendar year for which the compliance option is activated;

2. Changes in the designated representative or alternate designated representative, provided that a new certificate of representation has been submitted to the administrator;

3. Correction of typographical errors;

4. Changes in names, addresses, or telephone or facsimile numbers;

5. Changes in the owners or operators, provided that a new certificate of representation is submitted to the administrator at least 30 days prior to the changes;

6. Termination of a compliance option in the permit, provided that the following requirements for termination are met:

a. This procedure may not be used to terminate a phase II repowering extension plan after December 31, 1999 or to terminate a phase I extension plan.

b. The designated representative for a unit may request termination of a compliance option by notifying the department in writing that an approved compliance option will be terminated beginning January 1 of a specified year. If the compliance option includes a plan involving units at more than one affected source, the designated representative of each source governed by the plan shall sign and certify the notification in accordance with s. NR 407.05 (4) (j). The notification shall be subject to the limitations on termination under this paragraph and 40 CFR 72.40 to 72.44.

c. The notification under subpar. b shall specify the calendar year for which the termination will take effect;

7. Changes in a substitution or reduced utilization plan that do not result in the addition of a new substitution unit or a new compensating unit under the plan;

8. Changes in the date, specified in a permit, of commencement of operation of qualifying phase I technology, provided that the new date is in accordance with the phase I extension plan requirements in 40 CFR 72.42;

9. Changes in the date, specified in a permit, of commencement of operation or a change in the deadline for continuous emission or opacity monitor certification, provided that they are in accordance with the standard requirements for permits in 40 CFR 72.9; and

10. The addition of or change in a nitrogen oxides alternative emissions limitation demonstration period, provided that the requirements of s. 407 of the act (42 USC 7651f) are met.

(b) Requests for administrative revisions shall be processed in accordance with s. NR 407.11.

(5) AUTOMATIC PERMIT REVISIONS. The following permit revisions shall be deemed to revise automatically, and become a part of, the affected source's permit by operation of law without any further action or review by the department:

(a) Upon recordation by the administrator under 40 CFR 73.10 to 73.53, all allowance allocations to transfers to, and deductions from an affected source's allowance tracking system account; and

(b) Incorporation of an offset plan that has been approved by the administrator under 40 CFR 77.4.

(6) PERMIT REVISIONS BY THE DEPARTMENT. (a) 1. The department, on its own motion, shall revise an acid rain provision of a permit whenever

additional requirements become applicable to any affected source governed by the permit.

2. No later than January 1, 1999, the department shall revise any permits of affected sources to add the acid rain program nitrogen oxides requirements, provided that the designated representative of the affected source submits a timely and complete acid rain permit application for nitrogen oxides, in accordance with 40 CFR 72.21. The revision may not affect the duration of the acid rain portion of an operation permit.

(b) Permit revisions under this subsection shall be processed in accordance with ss. NR 407.14 (3) and (4). When revising a permit to an affected source under this subsection, the department shall make a determination on the approvability of a revised permit which would change the provisions, or add the requirements, for which the reopening was necessary. The revised permit shall contain the following elements:

1. All elements required for acid rain permit content under 40 CFR 72.50;

2. The applicable acid rain emissions limitation for sulfur dioxide; and

3. The applicable acid rain emissions limitation for nitrogen oxides.

History: Cr. Register, December, 1993, No. 456, eff. 1-1-94.