1. Tanks storing organic compounds that are not photochemically reactive on which construction or modification commenced before August 1, 1979.

2. Tanks used exclusively for storing organic compounds exempted under s. NR 425.04 (1) (a).

(b) Where a provision of s. NR 420.03 also applies, the more stringent requirement shall be met.

(2) STORAGE REQUIREMENTS. When storing organic compounds, solvents, or mixtures having a vapor pressure equal to or greater than 10.5 kPa (1.52 psia) at 21°C (70°F), floating roofs, vapor condensation systems, vapor holding tanks, or equally effective alternative control methods approved by the department shall be used. Any alternative control method approved by the department under this subsection shall be submitted to, and will not become effective for federal purposes until approved by, the administrator of the U.S. environmental protection agency or designee as a source-specific revision to the department's state implementation plan for ozone.

History: Renum. from NR 154.13 (2) (c) and am. Register, September, 1986, No. 369, eff. 10-1-86; am. (1) (a) 2., Register, February, 1990, No. 410, eff. 3-1-90; am. (2), Register, December, 1993, No. 456, eff. 1-1-94.

NR 419.06 Transfer of any organic compound. (1) APPLICABILITY. (a) This section applies to transfer operations in the Southeastern Wisconsin Intrastate AQCR involving organic compounds, solvents or mixtures having a vapor pressure greater than 10.5 kPa (1.52 psia) at 21°C (70°F), and to such transfer operations throughout the state at facilities on which construction or modification was commenced after April 1, 1972, with the following exceptions:

1. Transfer operations involving organic compounds which are not photochemically reactive at facilities on which construction or modification was commenced before August 1, 1979.

2. Transfer operations involving, exclusively, organic compounds exempted under s. NR 425.04 (1) (a).

(b) Where a provision elsewhere in ss. NR 420.04 and 421.03 (2) also applies, the more stringent requirement shall be met.

(2) TANK LOADING. For transfers to storage tanks having greater than 3,785 liter (1,000 gallon) capacity, a permanent submerged fill pipe shall be used, provided such a tank does not have controls mentioned in s. NR 421.03 (3) (b).

(3) TANK LOAD OUT FOR HIGH THROUGHPUT FACILITIES. At facilities with over 151,412 liters (40,000 gallons) per day throughput, a vapor collection and disposal system, vapor collection adaptors and vapor-tight seal, or an underfill method with the top hatches partially closed or a means of creating a slight back pressure when loading tank trucks or trailers shall be used.

(4) TANK LOAD OUT FOR LOW THROUGHPUT FACILITIES. At facilities with 151,412 liters (40,000 gallons) or less per day throughput, the un-

derfill method or a submerged fill pipe extending to within 6 inches of the tank bottom shall be employed when loading tank trucks or trailers.

History: Renum. from NR 154.13 (3) (f) and am. Register, September, 1986, No. 369, eff. 10-1-86; am. (1) (a) 2., Register, February, 1990, No. 410, eff. 3-1-90.

NR 419.07 Remediation of contaminated soil or water. (1) APPLICABILITY. This section applies to all facilities and procedures used to remediate soil or water contaminated with organic compounds which are direct air contaminant sources and to their owners and operators.

Note: Certain contaminated soils and water are hazardous wastes. Due to the "mixture" and "derived from" rules found in ch. NR 605, soils and water contaminated by listed hazardous waste under s. NR 605.09 (2), Table II or III, are also hazardous wastes. In addition, any residue or contaminated soil, water or other debris resulting from the cleanup of a spill of any material listed in Table IV or V of s. NR 605.09 (3) is a listed hazardous waste. Soils, water or other debris may also be considered hazardous waste when they exhibit a hazardous characteristic under s. NR 605.08, including the state extraction procedure toxicity test, or under the federal toxicity characteristic leaching procedure test. Contaminated soils and water must be evaluated for the applicability of hazardous waste management rules (chs. NR 600 to 685). The requirements in chs. NR 600 to 685 for the treatment, handling and storage of hazardous waste must be followed if the contaminated soil or water is hazardous waste.

(2) SOIL AND WATER REMEDIATION PROCEDURE APPROVAL. (a) Except as provided in sub. (3), no person may use any procedure to remediate soil or water contaminated with organic compounds unless the person has submitted a soil or water remediation application form to the department's bureau of air management and has received approval under this subsection.

Note: This rule only addresses approval by the bureau of air management. Approval may be required by other bureaus in the department including the bureau of solid and hazardous waste management.

(b) The department's bureau of air management shall approve, conditionally approve or deny the application required in par. (a) within 5 business days of receipt of a complete application.

(c) The department's bureau of air management may approve or conditionally approve the application required in par. (a) if the source:

1. Meets the emission limits in sub. (4) and the requirements in sub. (5);

2. Will not be in such quantity, concentration or duration as to be injurious to human health; and

3. Will not be in quantities which will substantially contribute to the exceeding of an ambient air quality standard, ambient air increment, or cause air pollution.

(3) EXEMPTIONS. (a) Any person using one of the procedures listed in this paragraph is exempt from the requirement to apply for and obtain a remediation procedure approval under sub. (2) and is exempt from the emission limits specified in sub. (4) except those contained in ch. NR 445:

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

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

3. 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.

4. 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.

5. Wastewater treatment plants.

Note: Wastewater treatment plants are not exempt from permit requirements.

(b) Any person using one of the following procedures is exempt from the emission limits specified in sub. (4) except for those contained in ch. NR 445:

1. Landfilling of contaminated soil or

2. Landspreading of contaminated soil.

(4) EMISSION LIMITATIONS. (a) An owner or operator of a soil or water remediation project shall treat or dispose of soil or water contaminated with organic compounds in a manner approved by the department which minimizes the emission of organic compounds.

(b) The organic compound emissions from the remediation of soil or water may not exceed 9.0 pounds of organic compounds per hour and any specific limit in ch. NR 445.

(5) OTHER REQUIREMENTS. In addition to the other requirements of this section, a source shall meet the following requirements:

Note: Material which is hazardous waste shall comply with the requirements in chs. NR 600 to 685.

(a) *Storage of contaminated soil.* Unless it is subject to storage requirements under chs. NR 500 to 599, soil contaminated with organic compounds which is being stored in open piles shall be underlaid and overlaid by a barrier which will prevent organic compound emissions and prevent the infiltration and exfiltration of water, and the piles shall be diked to keep run-off water from leaving the site.

(b) *Treatment of chlorinated organic compounds.* 1. Except as provided in subd. 2, a thermal evaporation unit may not be used to remediate soil or water contaminated with chlorinated organic compounds unless an air pollution control permit has been issued to the source authorizing it to remediate soil or water contaminated with chlorinated organic compounds.

2. A thermal evaporation unit may remediate soil or water contaminated with gasoline which contains small amounts of chlorinated organic additives to the gasoline, even though the unit does not have a permit authorizing it to remediate soil or water contaminated with chlorinated organic compounds.

(c) *Fuel requirements.* A thermal evaporation unit may not be used to remediate soils or water contaminated with organic compounds containing aromatic hydrocarbons while using a fuel which is contaminated with chlorinated organic compounds unless an air pollution control permit has been issued to the source allowing it to use the fuel contaminated with chlorinated organic compounds while remediating soils contaminated with aromatic hydrocarbons.

(d) *Requirements for asphalt plants to remediate soil.* In addition to the other requirements of this section, the following requirements shall apply to all asphalt plants which remediate soil or water contaminated with organic compounds:

1. The asphalt plant shall have had a compliance stack test for particulate matter within the last 5 calendar years which determined that the particulate matter emission rate during the test did not exceed 0.04 grains per dry standard cubic foot (gr/dscf), not including backhalf condensible particulate matter.

2. The stack height shall be equal to or greater than 25 feet above grade.

3. If the asphalt plant is using a wet scrubber to control particulate matter emissions, the scrubber pond shall meet the requirements of ch. NR 213.

4. The asphalt plant shall have an air pollution control permit to operate which allows it to remediate soil or water containing organic compounds.

5. The asphalt plant shall be operating in compliance with its permit.

(e) *Objectionable odors.* If objectionable odors, as determined under s. NR 429.03, are determined to result from the remediation, the source shall take preventive measures satisfactory to the department to abate or control such emissions.

(6) TESTING REQUIREMENTS. Emissions from facilities for negative pressure venting of contaminated soil shall be tested using a test method approved in advance by the department's bureau of air management.

(a) Testing under this subsection shall be conducted according to the following schedules:

1. Total organic compound emissions shall be tested once each day for the first 3 days of operation; weekly for the next 3 weeks; and monthly thereafter.

2. When benzene is present in the contaminated soil, benzene emissions shall be tested once during the first 3 days of operation, once during the third week of operation, and once every 6 months thereafter.

(b) The test results shall be submitted to the department's bureau of air management as soon as possible after the completion of each test.

(c) Additional testing may be required by the department.

(d) The testing required under par. (a) may be discontinued with written approval from the department's bureau of air management.

(7) WAIVER. The department may waive compliance with any requirement of this section to the extent necessary to prevent an emergency condition which threatens public health, safety or welfare.

History: Cr. Register, August, 1991, No. 428, eff. 9-1-91.