

Chapter NR 407

MANDATORY OPERATION PERMITS

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NR 407.01 Applicability; purpose. (1) **APPLICABILITY.** This chapter applies to all existing direct sources of air pollution which may be required under s. 144.391, Stats., to have a mandatory 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 a mandatory operation permit.

(2) **PURPOSE.** This chapter is adopted under ss. 144.374 and 144.3925, Stats., to establish a schedule of dates for the submission of mandatory operation permit applications and a schedule of dates for requiring mandatory operation permits for various categories of existing sources and to specify the content of mandatory operation permit applications.

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

NR 407.02 Definitions. In addition to the definitions in this section, the definitions in ch. NR 400 apply to the terms used in this chapter.

(1) "Gasoline dispensing facility" means any site where gasoline is dispensed to motor vehicle gasoline tanks from stationary storage tanks.

(2) "Private alcohol fuel production systems" has the meaning designated in s. 144.438(1)(c), Stats.

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.

NR 407.03 Sources exempt from mandatory operation permit requirements. (1) **SPECIFIC CATEGORIES OF EXEMPT SOURCES.** Any stationary source which consists solely of one of the following categories of stationary sources is exempt from the requirement to obtain a mandatory operation permit:

(a) All fuel burning equipment at a facility which does not burn any hazardous waste identified under ch. NR 605, or which has been issued a license under ch. NR 680, and which is designed at combined total capacity to burn the following fuels at the 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 30 million BTU per hour.

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

(c) Equipment designed to dry grain at a rate of not more than 1,500 bushels per hour at 5% moisture extraction.

(d) Portland concrete batching plants which are not major sources described in s. 144.391(1)(a) or (2)(a), Stats.

(e) Storage tanks of petroleum liquid or nonvolatile organic compounds with a combined total tankage capacity of not more than 40,000 gallons of petroleum liquid or of organic compounds which are not VOCs.

(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 use or will use not more than 250 total gallons of paint, coatings and solvents per month or which emit or will emit not more than 1,666 pounds of volatile organic compounds per month, without considering emission control equipment.

(h) Graphic arts operations, including associated quality assurance laboratories and cleaning operations, which use or will use not more than 250 total gallons of coatings, inks and solvents per month or which emit or will emit not more than 1,666 pounds of organic compounds per month, without considering emission control equipment.

(i) Batch cold cleaning equipment with a total air to solvent interface of 4.0 square meters or less during operation.

(j) Batch open top vapor degreasing equipment with a total air to vapor interface of 2.0 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.

(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. Emissions shall be determined, without considering emission control equipment, by dividing the total emissions 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) Water chlorination facilities.

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

(s) Bulk gasoline plants which distribute gasoline or other petroleum products.

(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).

(2) GENERAL CATEGORY OF EXEMPT SOURCES. In addition to the specific categories of exempt sources identified in sub. (1), no mandatory operation permit is required of a source if:

(a) The source will not emit sulfur dioxide, carbon monoxide or nitrogen oxides at a rate of more than 9.0 pounds per hour for each pollutant emitted, without considering emission control equipment;

(b) The source will not emit particulate matter or organic compounds at a rate of more than 5.7 pounds per hour for each pollutant emitted, without considering emission control equipment;

(bm) The source will not emit lead at a rate of more than 0.13 pounds per hour, without considering emission control equipment.

(c) The source will not emit any of the following air contaminants at a rate greater than the applicable emission rate listed:

1. Fluorides, 3.0 tons per year;
2. Hydrogen sulfide, 10 tons per year;
3. Reduced sulfur compounds, 10 tons per year;
4. Total reduced sulfur, 10 tons per year;
5. Vinyl chloride, 1.0 ton per year.

(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 emit any air contaminant not mentioned in par. (a), (b), (bm), (c) or (d) at a rate of more than 6.0 pounds per hour for each pollutant emitted, without considering emission control equipment.

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.

NR 407.04 Applications for mandatory operation permits. (1) **APPLICATION FILING DATES.** (a) The operator of an existing air contaminant source which is not exempt under s. NR 407.03 shall submit a mandatory operation permit application on application forms available from the department by the date set forth in Table 1 for the Standard Industrial Classification (SIC) number category in which the source is classified. If the source is classified in more than one SIC category the application shall be submitted by the earliest date for any SIC category, applicable to the source. The SIC category for a source is determined by reference to the Standard Industrial Classification Manual, 1987, which is incorporated by reference in ch. NR 484.

(b) Notwithstanding par. (a), the owner or operator of an existing air contaminant source who is required to submit a mandatory operating permit application for the source solely because of s. NR 407.03 (2) (d) shall submit the application to the department no later than December 1, 1989.

(2) **APPLICATION FORMS.** (a) The department shall prepare application forms for use by persons required to obtain mandatory operation permits.

(b) The application forms shall request information required for the issuance of a mandatory operation permit. The required information may include the following:

1. The name, address and telephone number of the person submitting the application and the name and address of any other owner or operator of the facility;

2. A brief description of the nature of the business conducted at the facility including the facility standard industrial classification;

3. A listing of all stationary sources associated with the facility;

4. A map showing the location and layout of the facility including all stationary sources and adjacent streets, roads and property;

5. The dates when construction and any modification of each air contaminant source commenced;

6. Manufacturer, model number and rated capacity of each air contaminant source;

7. Description and flow diagram of each process;

8. Estimated composition and amounts of process raw materials and finished products, to the extent necessary to enable the department to determine the applicable source category and the types and quantities of emissions;

9. The types, composition and amounts of fuels burned, including:

a. Heating values;

b. Sulfur content, percentage by weight;

c. Ash content, percentage by weight;

d. Charging methods; and

e. Delivery and storage facilities and procedures;

10. Operating schedule;
11. Description of any equipment used for the control of emissions with specifications or test results to verify the effectiveness of the equipment;
12. Stack height, discharge direction and exit diameter and flue gas temperature, moisture content, and flow rate; and
13. Presence of any stack exit obstructions or continuous emission monitoring equipment.

(c) If the department has existing information relating to a source's operation that is requested on the application forms, the department shall provide the information on the application forms when distributing the forms to the operator of the source.

(3) AVAILABILITY OF APPLICATION FORMS. The department shall distribute mandatory operation permit application forms to existing sources on the air source emission inventory. Sources not included on the air source emission inventory shall request the necessary application forms from the department. Notwithstanding the filing dates set forth in Table 1, an existing source which requests in writing application forms from the department at least 100 days prior to its application filing deadline, or an existing source on the air source emission inventory, shall have at least 90 days from the date of receipt of such forms to file the application. In the event an existing source is not able to submit an application within the 90 day period, the department may, for good cause shown, grant an extension of up to 30 days per extension for submission of such an application.

Note: A copy of the application forms can be obtained at no charge from the Department of Natural Resources, Bureau of Air Management, mailing address: P.O. Box 7921, Madison, WI 53707.

**TABLE 1 — APPLICATION DATES FOR MANDATORY
OPERATION PERMITS**

Air contaminant sources which are required to obtain a mandatory operation permit shall have a permit application filed by the date set out in this table for the source category (identified by SIC code) in which the source is classified. If the source is classified in more than one SIC category, the application shall be filed by the earliest date for any applicable source category.

SOURCE CATEGORY	STANDARD INDUSTRIAL CLASSIFICATION CODE	APPLICATION FILING DATE
Petroleum refining and related industries	2900-2999	February 1, 1985
Transportation, communication, electric, gas, and sanitary services	4000-4999	March 1, 1985
Paper and allied products	2600-2699	April 5, 1985
Public administration	9000-9799	May 3, 1985
Transportation equipment	3700-3799	June 3, 1985
Lumber and wood products	2400-2499	July 5, 1985
Fabricated metal products	3400-3499	August 2, 1985
Stone, clay, glass and concrete	3200-3299	August 16, 1985
Rubber and misc. plastic products	3000-3099	September 9, 1985
Machinery, except electrical and electronic	3500-3599	September 20, 1985
Mining	1000-1499	October 4, 1985
Printing, publishing and allied industries	2700-2799	October 18, 1985
Electric and electronic machinery, equipment and supplies	3600-3699	November 1, 1985
Furniture and fixtures	2500-2599	November 1, 1985
Chemicals and allied products	2800-2899	November 1, 1985
Wholesale, retail trade	5000-5999	November 1, 1985
Leather and leather products	3100-3199	December 6, 1985
Primary metals industries	3300-3399	January 6, 1986
Instruments and misc. manufacturing	3800-3999	February 3, 1986
Agriculture, forestry, fishing	0100-0999	February 3, 1986
Construction	1500-1799	March 3, 1986
Food, tobacco, textile and apparel manufacturing	2000-2399	March 3, 1986
Finance, insurance, real estate	6000-6699	April 4, 1986
Services	7000-8999	April 4, 1986
Non-classifiable establishments	9900-9999	May 2, 1986

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.

NR 407.05 Dates by which permits are required. Except as provided in s. 144.3925 (7), Stats., any air contaminant source which is required to have a mandatory operation permit under this chapter may not operate after July 1, 1986, without a mandatory operation permit issued by the department.

History: Cr. Register, December, 1984, No. 348, eff. 1-1-85.