

Chapter NR 491

PROCEDURES FOR ALTERATION OF
PERMITS BY PETITION

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NR 491.01 Applicability; purpose. (1) **APPLICABILITY.** This chapter applies to all persons holding an air pollution control permit issued by the department.

(2) **PURPOSE.** This chapter is adopted under ss. 144.31 and 144.402, Stats., to specify the content of a petition for alteration of a permit, to establish the procedures a permit holder is to follow when submitting such a petition to the department and to establish the procedures the department is to follow when acting on a petition for alteration.

History: Cr. Register, September, 1986, No. 369, eff. 10-1-86.

NR 491.02 Definitions. The definitions contained in ch. NR 400 apply to the terms used in this chapter.

History: Cr. Register, September, 1986, No. 369, eff. 10-1-86.

NR 491.025 Petition for alteration. Any person holding an air pollution control permit who seeks an alteration of the permit shall file a written petition for alteration of the permit with the department. The petition shall identify the permit to be altered, outline the specific provisions for which alteration is sought, and set forth the reasons why alteration is sought. The petition shall be signed by the permit holder and shall be served on the secretary, either by personal delivery to the office of the secretary, or by mailing to the secretary at the following address: P.O. Box 7921, Madison, Wisconsin 53707.

History: Renum. from NR 154.25 (1), Register, September, 1986, No. 369, eff. 10-1-86.

NR 491.03 Notice and public comment. (1) The department shall provide written notice of the petition for alteration by publishing a class 1 notice under ch. 985, Stats., and by distributing a written notice to the persons listed under s. 144.392 (5) (a), Stats. The written notice shall contain a brief description of the alteration sought and reasons why alteration is sought, a notice of the opportunity for written public comment on the petition, and a notice of the opportunity to request a non-contested case public hearing on the petition.

(2) The department shall receive public comment on the petition for alteration for a 30-day period beginning when the department gives notice under sub. (1).

History: Renum. from NR 154.25 (2), Register, September, 1986, No. 369, eff. 10-1-86.

NR 491.04 Public hearing. The department may hold a noncontested case public hearing on the petition for alteration if a request for public hearing is received by the department under ch. NR 490 within 30 days after the department gives notice under s. NR 491.03 (1) and the department determines that there is a significant public interest in holding the hearing. A request for public hearing shall indicate the interest of the

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party filing the request and the reasons why a hearing is warranted. Any noncontested case public hearing held under this chapter shall be conducted in accordance with the procedures in ch. NR 490.

History: Renum. from NR 154.25 (3) and am. Register, September, 1986, No. 369, eff. 10-1-86.

NR 491.05 Department decision. The department may alter the permit in response to a petition for alteration. The department's decision under this section is effective unless a hearing on the decision is requested under s. 144.403, Stats. If the permit holder files a petition with the department within the time limit specified under s. 144.403 (1) (a), Stats., the air pollution control permit remains unaltered and in effect until 10 days after service of the decision issued under s. 144.403 (1), Stats., on the matter or a later date established by court order. If a person other than a permit holder files a petition for review with the department under s. 144.403, Stats., the department may stay the effect of its decision under this section pending the department's decision under s. 144.403, Stats., in accordance with s. 227.46 (1) (g), Stats. A stay may be granted only if the party seeking the stay has demonstrated that there is good cause for granting the stay and that the petitioner has a reasonable probability of success on the merits of the petition.

History: Renum. from NR 154.25 (4) and am., Register, September, 1986, No. 369, eff. 10-1-86.