

Chapter NR 438

**AIR CONTAMINANT EMISSION INVENTORY REPORTING  
REQUIREMENTS**

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**NR 438.01 Applicability; purpose.** (1) **APPLICABILITY.** This chapter applies to all air contaminant sources and to their owners and operators.

(2) **PURPOSE.** The purpose of this chapter is to establish, pursuant to ss. 144.31 (1) (a), 144.38, and 144.96 (1) and (2), Stats., requirements for submission of reports for owners or operators of air contaminant sources.

History: Cr. Register, May, 1993, No. 449, eff. 6-1-93.

**NR 438.02 Definitions.** The definitions contained in ch. NR 400 apply to the terms used in this chapter. In addition, the following definitions apply to the terms used in this chapter:

(1) "Facility" means all stationary sources emitting air contaminants which belong to the same industrial grouping, are located on one or more contiguous or adjacent properties, and are under the control of the same person, or persons under common control. Emissions resulting from loading, unloading or stockpiling materials to or from vessels or vehicles while at a facility shall be considered as part of the facility's emissions. Air contaminant sources, other than transportation related activities, shall be considered as part of the same industrial grouping if they are classified under the same 2-digit major group as described in the Standard Industrial Classification Manual, 1987, incorporated by reference in s. NR 484.05

(2) "Source classification code" means an 8-position code which represents a process or function associated with a point of air contaminant emissions, as set forth in the AIRS Facility Subsystem Source Classification Codes and Emission Factor Listing for Criteria Air Pollutants, EPA-450/4-90-003, March 1990, incorporated by reference in s. NR 484.05.

History: Cr. Register, May, 1993, No. 449, eff. 6-1-93; am. (1), (2), Register, February, 1995, No. 470, eff. 3-1-95.

**NR 438.03 Required emission inventory reports.** (1) **REPORTABLE AIR CONTAMINANTS AND LEVELS.** (a) Any person owning or operating a facility which emits an air contaminant in quantities above the reporting levels listed in Table 1, except indirect sources of air pollution, shall annually submit to the department an emission inventory report of annual, actual emissions or, for particulate matter, PM<sub>10</sub>, sulfur dioxide, nitrogen oxides, carbon monoxide and volatile organic compounds, throughput information sufficient for the department to calculate its annual, actual emissions.

(b) When preparing its emission inventory report, 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 contami-

nant is footnoted as a suspected or confirmed human carcinogen by the American conference of governmental industrial hygienists in the 1994-1995 Threshold Limit Values for Chemical Substances and Physical Agents and Biological Exposure Indices, incorporated by reference in s. NR 484.11.

(c) Notwithstanding par. (a), the department may require any facility to submit an emission inventory report of its annual, actual and maximum theoretical air contaminant emissions.

(d) Any facility that has emission reduction credits shall report the credits separately as actual emissions on the annual emission inventory report.

(2) **REPORTING DEADLINE.** Reports required under this section shall be submitted by March 1 of each year for air contaminants emitted during the preceding year. Persons unable to submit reports by March 1 may, upon request to the department, be granted an extension until March 15 for submission of the reports if the department determines that an extension is reasonable under the circumstances.

(3) **PORTABLE SOURCES.** The owner or operator of a portable source shall file one emission inventory report covering all operations at all locations in the state during the previous year.

(4) **REQUIRED RECORDS.** Owners and operators of facilities required to file emission inventory reports shall keep accurate and reliable records sufficient to enable verification of the reports by the department. Records shall include data on fuel composition and consumption, quantities of raw materials handled which contribute to emissions, quantities of wastes incinerated, continuous emissions monitoring data and audits, and any results of stack or performance tests together with the names of persons or firms responsible for each test, if applicable. Records shall be retained for 5 years following the year in which the emission inventory report is submitted.

(5) **EMISSION INVENTORY AND CERTIFICATION.** (a) Based on the throughput or emissions information submitted pursuant to ss. NR 438.03 and 438.04, the department shall determine each facility's annual actual emissions and typical ozone season day emissions based on emission factors contained in Compilation of Air Pollutant Emission Factors, AP-42, Volume 1: Stationary Point and Area Sources, USEPA-OAQPS, September 1991, or Toxic Air Pollutant Emission Factors-A Compilation for Selected Air Toxic Compounds and Sources, Second Edition, USEPA-OAQPS, EPA-450/2-90-011, October 1990, incorporated by reference in s. NR 484.05. Other emission factors or methods, including, but not limited to, mass balance or other use reporting, consumption and analytical methodologies, or continuous emissions monitoring data, if applicable, may be used by the department.

(b) The actual annual emissions determined by the department under par. (a) shall constitute the department's annual emission inventory.

(c) By May 31 of each year, the department shall send each owner or operator of a facility which is required to file an emission inventory report a summary from the department's annual emission inventory of the air contaminants emitted by the facility for the previous year. The owner or operator of a facility required to obtain an air pollution control permit under s. 144.391, Stats., and ch. NR 406, 407 or 408, or which emits volatile organic compounds or nitrogen oxides in an ozone nonattainment area, shall, by June 30 of each year, send a written certification to the department that the summary of its emissions is correct. The certification shall contain the name, title, signature and telephone number of the certifier, the date of certification and a statement that the information contained in the emissions summary is accurate to the best knowledge of the owner or operator of that facility.

(6) **DISPUTED EMISSIONS.** Any facility that disputes the emissions summary supplied by the department under sub. (5) (c) may request, in writing, that the department review its emissions summary. The department shall review and supply to the facility, within 14 calendar days of receipt of the facility's written request, information used to prepare the emission

inventory and summary for that facility. If the facility continues to dispute the emissions summary, it shall supply to the department, within 14 calendar days of receipt of the department's information, the reasons it disputes the summary. The facility shall be notified within 7 calendar days of receipt of this information of the department's decision on whether to adjust the emission inventory and summary. If the facility continues to dispute the summary, it may appeal the department's final decision pursuant to state law. The facility shall certify any emissions not in dispute by June 30 of each year.

History: Cr. Register, May, 1993, No. 449, eff. 6-1-93; am. (1) (b), (5) (a), Register, February, 1995, No. 470, eff. 3-1-95.

**NR 438.04 Content of emission inventory reports.** (1) **GENERAL INSTRUCTIONS.** Emission inventory reports required under this chapter shall be submitted on forms or other media supplied by the department. Emission inventory reports submitted by facilities shall contain the information specified in s. NR 438.03 (1) and (3) and this section. Emissions shall be reported separately for each source or group of similar sources at each facility.

Note: Emission inventory reports shall be made on form 4500-090 available from the Bureau of Air Management, Department of Natural Resources, P.O. Box 7921, Madison, WI 53707, Tel. (608) 266-0151.

(2) **FACILITY IDENTIFICATION AND GENERAL INFORMATION.** For all facilities the emission inventory report shall include:

- (a) The name and mailing address of the facility.
- (b) The location of the facility.
- (c) The name and address of the parent company or corporation, if any.
- (d) The appropriate facility standard industrial classification code and a brief description which characterizes the nature of the business or other activity of the facility.
- (e) The normal operation schedule of the facility in hours per day, days per week, days per year, and percentage production by quarter.
- (f) The name and telephone number of the individual to be contacted regarding the emission inventory report.
- (g) A list of stacks and the air contaminant sources vented to each stack including:
  1. Height of each stack.
  2. Inside top diameter of each stack.
  3. Volumetric flow rate through each stack at maximum and normal operating conditions.
  4. Temperature of the gas flowing through each stack at maximum and normal operating conditions.
  5. The type of continuous emission monitor and pollutant or pollutants monitored for each stack, if applicable.