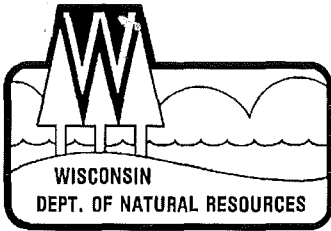


CR 94-83



George E. Meyer
Secretary

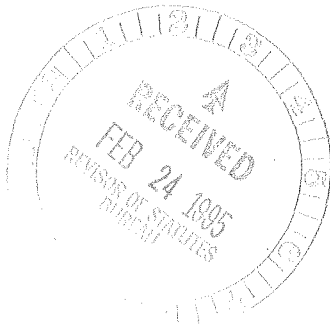
State of Wisconsin \ DEPARTMENT OF NATURAL RESOURCES

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STATE OF WISCONSIN)
)
DEPARTMENT OF NATURAL RESOURCES) SS

TO ALL TO WHOM THESE PRESENTS SHALL COME, GREETINGS:

I, George E. Meyer, Secretary of the Department of Natural Resources and custodian of the official records of said Department, do hereby certify that the annexed copy of Natural Resources Board Order No. AM-27-94 was duly approved and adopted by this Department on October 27, 1994. I further certify that said copy has been compared by me with the original on file in this Department and that the same is a true copy thereof, and of the whole of such original.



IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the official seal of the Department at the Natural Resources Building in the City of Madison, this 21 day of February, 1995.

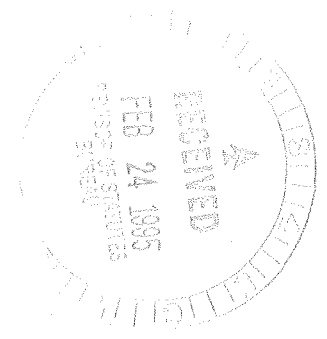
George E Meyer
George E. Meyer, Secretary

(SEAL)



5-1-95

ORDER OF THE STATE OF WISCONSIN
NATURAL RESOURCES BOARD
REPEALING, AMENDING AND CREATING RULES



IN THE MATTER of repealing NR 405.10(5) and 484.05(6) and (7), amending NR 400.02(39m), 404.05(2)(intro.) and (a), (3)(intro.) and (a) and (4)(intro.) and (a), 405.02(1)(b), (2)(a), (3)(intro.), (7), (21)(b)6, (24)(d) and (25m)(b) and (c), 405.07(8)(a)3, 405.08(1), 405.10(1) to (3), 405.14(4) and creating NR 484.04(9) and footnote 1 to 484.04 Table 2 of the Wisconsin Administrative Code, pertaining to Prevention of Significant Deterioration and associated particulate matter increments.

AM-27-94

Analysis Prepared by the Department of Natural Resources

Statutory authority: ss. 144.31(1)(a) and (f), 144.375(2) and 227.11(2)(a), Stats.

Statutes interpreted: ss. 144.31(1)(a) and (f) and 144.375(2), Stats. The state implementation plan developed under s. 144.31(1)(f), Stats., is revised.

On January 4, 1994, the USEPA published a notice of disapproval of the State's Prevention of Significant Deterioration (PSD) State Implementation Plan (SIP) submittal, citing several minor discrepancies under 40 CFR 51.166. These discrepancies are addressed in this rule revision. Section 144.375(2), Stats., requires that PSD ambient air increments as promulgated by the Department shall be consistent with the corresponding federal increments, with certain exceptions. The USEPA, on June 3, 1993, promulgated new PSD particulate matter increments which are subject to this statute.

The purpose of this rule is to address the deficiencies in Wisconsin's PSD SIP and to add the new federal PSD increments for particulate matter into Wisconsin's rules. The PM₁₀ basis for particulate matter measurement, new particulate matter increments and the revised annual concentration averaging procedure for Class I, II and III PSD areas are incorporated in s. NR 404.05. The changes in s. NR 404.05(3)(a) are also incorporated in s. NR 405.14(4), which pertains to the granting of Class I variances. Other changes to incorporate the federal PM₁₀ rules are in ss. NR 405.02(24)(d) and 405.07(8)(a)3. Deficiencies in the PSD SIP submittal delineated in the disapproval notice of January 4, 1994, are rectified in ss. NR 400.02(39m), 405.02(1)(b), (2)(a), (21)(b)6, 405.08, 405.10(1) and (2) and 484.04 and by the repeal of ss. NR 405.10(5) and the amendment of ss. NR 484.04 and 484.05 (as affected by Clearinghouse Rule 94-104).

SECTION 1. NR 400.02(39m) is amended to read:

NR 400.02(39m) "Federally enforceable" means all limitations and conditions which are enforceable by the administrator of the U.S. environmental protection agency, including those requirements developed pursuant to chs. NR 440 and 446 to 449, and under ss. 111 and 112 of the act (42 USC 7411 and 7412), requirements within any applicable state implementation plan, any permit requirements established pursuant to ch. NR 405, requirements in construction permits issued under ch. NR 406 or 408 and requirements in operation permits issued pursuant to ch. NR 407 and title V of the ~~federal clean air act~~ which are designated as federally enforceable.

SECTION 2. NR 404.05(2)(intro.) and (a), (3)(intro.) and (a) and (4)(intro.) and (a) are amended to read:

NR 404.05(2)(intro.) CLASS I INCREMENTS. In any area of this state classified under the federal clean air act as a class I area, the ambient air increments of particulate matter measured as PM₁₀, sulfur dioxide and nitrogen dioxide may not exceed the following amounts:

(a) ~~Particulate matter~~PM₁₀.

1. Annual ~~geometric~~ arithmetic mean.....~~5~~ 4 micrograms per cubic meter
2. Twenty-four hour maximum.....~~10~~ 8 micrograms per cubic meter

(3)(intro.) CLASS II INCREMENTS. In any area of this state classified under the federal clean air act as a class II area, the ambient air increments of particulate matter measured as PM₁₀, sulfur dioxide and nitrogen dioxide may not exceed the following amounts:

(a) ~~Particulate matter~~PM₁₀.

1. Annual ~~geometric~~ arithmetic mean.....~~19~~ 17 micrograms per cubic meter

2. Twenty-four hour maximum.....~~37~~ 30 micrograms per cubic meter

(4)(intro.) CLASS III INCREMENTS. In any area of this state classified under the federal clean air act as a class III area, the ambient air increments of particulate matter measured as PM₁₀, sulfur dioxide and nitrogen dioxide may not exceed the following amounts:

(a) ~~Particulate matter~~PM₁₀.

1. Annual ~~geometric~~ arithmetic mean.....~~37~~ 34 micrograms per cubic meter

2. Twenty-four hour maximum.....~~75~~ 60 micrograms per cubic meter

SECTION 3. NR 405.02(1)(b), (2)(a), (3)(intro.), (7), (21)(b)6, (24)(d) and (25m)(b) and (c) are amended to read:

NR 405.02(1)(b) The department may presume that source-specific allowable emissions for the unit are equivalent to the actual emissions of the unit unless reliable data are available which demonstrate that the actual emissions are different than the source-specific allowable emissions.

(2)(a) The applicable standards ~~as~~ set forth in chs. NR 440 and 445 to 449 and under ss. 111 and 112 of the act (42 USC 7411 and 7412).

(3)(intro.) "Baseline area" means any intrastate area, and every part thereof, designated as attainment or unclassifiable under ~~section s.~~ 107(d)(1)(D) or (E) of the federal clean air act (42 USC 7407(d)(1)(D) or (E))

in which the major source or major modification establishing the baseline date would construct or would have an air quality impact equal to or greater than 1 ~~ug~~ $\mu\text{g}/\text{m}^3$ (annual average) of the air contaminant for which the baseline date is established. Area redesignations under ~~section s.~~ s. 107(d)(1)(D) or (E) of the ~~federal clean air act~~ cannot intersect or be smaller than the area of impact of any major stationary source or major modification which:

(7) "Best available control technology" or "BACT" means an emissions limitation, ~~(including a visible emissions standard),~~ based on the maximum degree of reduction for each air contaminant subject to regulation under the federal clean air act which would be emitted from any proposed major stationary source or major modification which the department, on a case-by-case basis, taking into account energy, environmental, and economic impacts, and other costs, determines is achievable for such source or modification through application of production processes or available methods, systems, and techniques, including clean fuels, fuel cleaning or treatment or innovative fuel combination techniques for control of the air contaminant. In no event may application of best available control technology result in emissions of any air contaminant which would exceed the emissions allowed by any applicable standard under chs. NR 440 and 445 to 449 and under ss. 111 and 112 of the act (42 USC 7411 and 7412). Emissions from any source utilizing clean fuels or any other means to comply with this subsection may not be allowed to increase above the levels that would have been required under this subsection as it existed prior to enactment of the 1990 federal clean air act amendments. If the department determines that technological or economic limitations on the application of measurement methodology to a particular emissions unit would make the imposition of an emissions standard infeasible, a design, equipment,

work practice, operational standard or combination thereof, may be prescribed instead to satisfy the requirement for the application of best available control technology. ~~Such~~The standard shall, to the degree possible, set forth the emissions reduction achievable by implementation of such design, equipment, work practice or operation, and shall provide for compliance by means which achieve equivalent results.

(21)(b)6. An increase in the hours of operation or in the production rate, unless such change would be prohibited under any federally enforceable permit condition which was established after January 6, 1975, pursuant to this chapter, ch. NR 406 or 40 CFR 52.21.

(24)(d) An increase or decrease in actual emissions of sulfur dioxide, nitrogen dioxide or particulate matter measured as PM₁₀ which occurs before the applicable baseline date is credible only if it is required to be considered in calculating the amount of maximum allowable increases remaining available.

(25m)(b) Repowering shall also include any ~~oil and/or gas fired~~ unit fired by oil or gas or both which has been awarded clean coal technology demonstration funding as of January 1, 1991, by ~~by~~ the federal department of energy.

(c) The ~~administrator~~ department shall give expedited consideration to permit applications for any source that satisfies the requirements of this subsection and is granted an extension under § s. 409 of the clean air act (42 USC 7651h).

SECTION 4. NR 405.07(8)(a)3 is amended to read:

NR 405.07(8)(a)3. ~~Total suspended particulates~~PM₁₀ - 10 ~~ug~~µg/m³, 24-hour average;

SECTION 5. NR 405.08(1) is amended to read.

NR 405.08(1) A major stationary source or major modification shall meet each applicable emissions limitation under chs. NR 400 to 499 and under ss. 111 and 112 of the act (42 USC 7411 and 7412).

SECTION 6. NR 405.10(1) to (3) are amended to read:

NR 405.10(1) All estimates of ambient concentrations required under this ~~section~~ chapter shall be based on the applicable air quality models, data bases, and other requirements specified in the ~~Guidelines~~ Guideline on Air Quality Models (Revised) (~~OAQPS 1.2-080, U.S. Environmental Protection Agency, Office of Air Quality Planning and Standards, Research Triangle Park, N.C. 27711, July 1986).~~ This publication is in Appendix W of 40 CFR part 51. incorporated by reference in ~~ch. NR 484s.~~ NR 484.04.

(2) Where an air quality impact model specified in the Guideline on Air Quality Models in Appendix W of 40 CFR part 51 is inappropriate, the model may be modified or another model substituted.

(3) A substitution or modification of a model shall be subject to the public comment procedures set forth in s. NR ~~405.16~~405.15.

SECTION 7. NR 405.10(5) is repealed.

SECTION 8. NR 405.14(4) is amended to read:

NR 405.14(4) CLASS I VARIANCES. The owner or operator of a proposed major source or major modification may demonstrate to the federal land manager that the emissions from ~~such~~the source would have no adverse impact on the air quality-related values, including visibility, of ~~such~~these lands ~~(including visibility)~~, notwithstanding that the change in air quality resulting from emissions from ~~such~~the source or modification would cause or contribute to concentrations which would exceed the maximum allowable increases for a Class I area. If the federal land manager concurs with ~~such~~this demonstration and so certifies to the department, the department may, provided that applicable requirements of this chapter are otherwise met, issue the permit with such emission limitations as may be necessary to assure that emissions of particulate matter measured as PM₁₀, sulfur dioxide, and nitrogen dioxide ~~and particulate matter~~ would not exceed the following maximum allowable increases over baseline concentration for ~~such~~ these air contaminants.

Maximum Allowable Increase
(~~micrograms per cubic meter~~ µg/m³)

~~Particulate matter~~ PM₁₀

Annual geometric <u>arithmetic</u> mean	19 <u>17</u>
24-hour maximum	37 <u>30</u>

Sulfur Dioxide

Annual arithmetic mean	20
24-hour maximum	91
3-hour maximum	325

Nitrogen Dioxide

Annual arithmetic mean

25

SECTION 9. NR 484.04(9) and footnote 1 to 484.04 Table 2 as affected by Clearinghouse Rule 94-104 are created to read:

CFR Appendix Referenced	Title	Incorporated by Reference For
NR 484.04(9) 40 CFR part 51 Appendix W ¹	Guideline on Air Quality Models (Revised)	NR 405.10

¹Appendix W may also be purchased as EPA Publication No. 450/2-78-027R, Guideline on Air Quality Models (Revised), 1986, with supplement A (1987) and supplement B (1993), from the National Technical Information Service at the address in s. NR 484.05(intro.).

SECTION 10. NR 484.05(6) and (7) as affected by Clearinghouse Rule 94-104 are repealed.

The foregoing rule was approved and adopted by the State of Wisconsin Natural Resources Board on October 27, 1994.

The rule shall take effect as provided in s. 227.22(2)(intro.), Stats., on the first day of the month commencing after the date of publication.

Dated at Madison, Wisconsin 2/21/95.

STATE OF WISCONSIN
DEPARTMENT OF NATURAL RESOURCES

By George E. Meyer
George E. Meyer, Secretary

(SEAL)

