

## **Notice of Hearing**

The Department of Natural Resources announces that it will hold a public hearing on a permanent rule to revise ch. NR 400, 406 and 407, relating to increasing the operational efficiency for, and simplifying the air permit process, at the time and place shown below.

The public hearing concerns the proposed revision of Wisconsin's State Implementation Plan (SIP) developed under s. 285.11(6), Stats. Final rules affecting ch. NR 400, 406 and 407, Wis. Adm. Code, promulgated under this rulemaking will be submitted to the United States Environmental Protection Agency (EPA) for approval and incorporation into Wisconsin's SIP.

This public hearing notice and request for comments satisfies requirements in ch. 227, Stats., for rulemaking and 40 CFR Part 51.102 for submittal of the final rules to EPA as a revision to Wisconsin's SIP.

### **Hearing Information**

Date: April 17, 2019

Time: 2:00 p.m.

Location: Natural Resources Building  
Room G27  
101 S. Webster St.  
Madison, WI 53707

### **Rule Information:**

The primary objectives of the proposed rules are to improve operational efficiency for, and to simplify the permitting processes administered under chs. NR 406 and 407, while remaining consistent with the federal Clean Air Act (CAA).

### **Accessibility**

1. Hearing impaired persons may request an interpreter for this hearing. Please make reservations for a hearing interpreter at least 10 days before the date of the scheduled hearing, by writing to e-mail [Kristin.Hart@wisconsin.gov](mailto:Kristin.Hart@wisconsin.gov).
2. Alternatively, you may contact the Department of Natural Resources TDD at (608) 267-6897. The hearing facility is accessible to disabled users.
3. Pursuant to the Americans with Disabilities Act, reasonable accommodations, including the provision of information material in an alternative format, will be provided for qualified individuals with disabilities upon request. Please call with specific information on your request at least 10 days before the date of the scheduled hearing.
4. Handicap access is available at the hearing location.

## **Appearances at the Hearing and Submittal of Written Comments**

The public has the opportunity to testify at the hearing. Registration will take place at the hearing by completing a Hearing Appearance form, which will be provided. Comments on the proposed rule must be received on or before April 24, 2019. The Hearing Appearance form also can be used for submitting a written comment at the hearing. Written comments may be submitted by U.S. mail, fax, E-mail, or through the internet and will have the same weight and effect as oral statements presented at the public hearing. Written comments and any questions on the proposed rules should be submitted to:

Department of Natural Resources  
Attn: Kristin Hart  
P.O. Box 7921  
101 S. Webster Street,  
Madison, WI 53707-7921

The rule may be viewed at: <https://dnr.wi.gov/news/input/ProposedPermanent.html>

Comments can be made at: [DNRAAdministrativeRulesComments@wisconsin.gov](mailto:DNRAAdministrativeRulesComments@wisconsin.gov)

### **Initial Regulatory Flexibility Analysis:**

Small businesses with air pollution emissions will be affected by the proposed rules. The proposed rule will provide clarity on the types of facilities, operations, and activities that can obtain exemption from air pollution control permits. It will allow sources seeking minor construction permits to begin certain preconstruction activities prior to permit issuance. Small businesses are more likely to qualify for this exclusion because they generally have lower air pollution emissions. The ability to begin certain preconstruction activities before receiving a permit can have substantial economic benefit, especially if the activities need to be completed before the Wisconsin winter precludes preconstruction activities. Such weather-related delays can hold up the beginning of construction for months after permit issuance. The refinements to the existing rules will clarify whether any exemptions or exclusions apply to sources in Wisconsin. There are no additional proposed reporting, bookkeeping, or other compliance requirements being proposed except a determination of whether a source is subject to an exemption or an exclusion.

There are no changes in the types of professional skills that will be required of sources in the State with an air pollution control permit. Some small businesses may nonetheless need assistance in understanding what rules apply and which exemptions they qualify for. The Air Program's Small Business Environmental Assistance Program is available to help small businesses understand what permits and requirements apply and what options are available to demonstrate compliance.

**Agency Small Business Regulatory Coordinator:**

Linda Haddix (608) 266-1959

[Linda.Haddix@wisconsin.gov](mailto:Linda.Haddix@wisconsin.gov)

Dated at Madison, Wisconsin \_\_\_\_\_

STATE OF WISCONSIN

DEPARTMENT OF NATURAL RESOURCES

By \_\_\_\_\_

Preston D. Cole, Secretary