

## **Notice of Preliminary Hearing on Statement of Scope**

The Department of Natural Resources (DNR) announces that it will hold a preliminary public hearing on Statement of Scope SS 064-21 (Board Order AM-05-21) relating to revisions to nitrogen oxide (NO<sub>x</sub>) emissions regulations in ch. NR 428. In accordance with s. 227.136, Wis. Stats., the DNR is seeking public comment and feedback on Statement of Scope SS 064-21 at the time and virtual location shown below.

### **Hearing Information**

Date: Friday, November 5, 2021

Time: 10:30 AM

Virtual Location Link: <https://us02web.zoom.us/j/83791933638>

Call-in Number: 1-312-626-6799

Meeting ID: 837 9193 3638

### **Rule Information**

Chapter NR 428, Wis. Adm. Code, regulates the emissions of NO<sub>x</sub> from certain stationary sources. Subchapters I through III of this rule were added in January 2001 to fulfill the Rate of Progress (ROP)/Reasonable Further Progress (RFP) plans as required by Sections 172(c)(2) and 182 (b)(1) of the federal Clean Air Act (CAA). Subchapter IV of this rule was added in July 2007 to include CAA Section 182(f) Reasonably Available Control Technology (RACT) requirements for major sources of NO<sub>x</sub> located in ozone nonattainment areas classified as “moderate” (or above).

Since the promulgation of the 2001 and 2007 ch. NR 428, Wis. Adm. Code, rule revisions, the department has identified several implementation issues associated with the chapter for certain scenarios. The DNR is therefore proposing to make changes to ensure clear and consistent implementation of this rule. The proposed changes include clarifying exemption applicability, emission limits for units using more than one type of fuel, and emissions averaging requirements. The proposed rule also revises and clarifies the existing compliance and monitoring requirements.

### **Accessibility**

For the hearing or visually impaired, non-English speakers, or those with other personal circumstances which might make communication at the meeting/hearing difficult, DNR will, to the maximum extent possible and with reasonable advance notice, provide aids including an interpreter, or a non-English, large-print, or recorded version of hearing documents. To access these resources, please contact the email address or phone number listed below as soon as possible.

### **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 is available at:

<https://dnr.wisconsin.gov/news/input/ProposedPermanent.html>. Pre-registration is strongly encouraged if you plan to provide spoken comments during the hearing. To pre-register, please download and complete the fillable [Hearing Appearance form](#) and send it to [OliviaE.Salmon@wisconsin.gov](mailto:OliviaE.Salmon@wisconsin.gov).

Comments on the proposed scope statement must be received on or before November 5, 2021. Written comments may be submitted by U.S. mail, 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 scope statement should be submitted to:**

Department of Natural Resources

Attn: Olivia Salmon

101 S. Webster Street

Madison, WI 53703

[OliviaE.Salmon@wisconsin.gov](mailto:OliviaE.Salmon@wisconsin.gov) or [DNRAAdministrativeRulesComments@wisconsin.gov](mailto:DNRAAdministrativeRulesComments@wisconsin.gov)

The Statement of Scope may be reviewed, and comments made at [https://docs.legis.wisconsin.gov/code/scope\\_statements/comment](https://docs.legis.wisconsin.gov/code/scope_statements/comment).