

## Chapter NR 401

### NONATTAINMENT AREAS

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**NR 401.01 Applicability; purpose.** (1) **APPLICABILITY.** This chapter applies to all air contaminant sources and to their owners and operators.

(2) **PURPOSE.** This chapter is adopted under ss. 285.11, 285.13 and 285.23, Stats., to establish procedures and criteria to identify a nonattainment area and to reclassify a nonattainment area as an attainment area.

**History:** Cr. Register, September, 1986, No. 369, eff. 10-1-86; am. (1), Register, May, 1992, No. 437, eff. 6-1-92; corrections in (2) made under s. 13.93 (2m) (b) 7., Stats. Register, December, 1996, No. 492.

**NR 401.02 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 401.025 Nonattainment areas; sources affected.** (1) **NONATTAINMENT AREAS.** The department may, from time to time, issue documents defining, listing or describing any area of the state where it has determined that any ambient air quality standard for any air contaminant is not being met.

(2) **SOURCES AFFECTED.** Upon issuing documents under sub. (1), the department shall also issue documents identifying, listing or describing air contaminant sources located in or near nonattainment areas, the location or impact of whose emissions require such sources to comply with RACT emission limitations specified in chs. NR 415 to 418.

(3) **RECLASSIFICATION AS ATTAINMENT.** The department may issue a document to reclassify a nonattainment area to an at-

tainment area when it has determined that the ambient air quality standard is being met in the area for the air contaminant which caused a document to be issued under sub. (1) identifying the area as nonattainment.

**History:** Renum. from NR 154.03 (1) and (2), Register, September, 1986, No. 369, eff. 10-1-86; cr. (3), Register, October, 1999, No. 526, eff. 11-1-99.

**NR 401.03 Methodology.** The impact of a source's emissions on a nonattainment area shall be determined by the department, using methods including but not limited to ambient air monitoring and meteorological data, and diffusion modeling.

**History:** Renum. from NR 154.03 (3), Register, September, 1986, No. 369, eff. 10-1-86.

**NR 401.04 Compliance required.** The failure to identify, in a document issued under s. NR 401.025 (2), a specific source in or near a nonattainment area which is otherwise subject to RACT emission limitations does not relieve the source from compliance.

**History:** Renum. from NR 154.03 (4), Register, September, 1986, No. 369, eff. 10-1-86; am. Register, May, 1992, No. 437, eff. 6-1-92; am. Register, December, 1995, No. 480, eff. 1-1-96.

**NR 401.05 Issuance and revision of documents.** The department may issue or revise a document under s. NR 401.025 (1), (2) or (3) only after 30 days notice and public hearing in the area affected. The hearings will not be contested cases under s. 227.01 (3), Stats.

**History:** Renum. from NR 154.03 (5), Register, September, 1986, No. 369, eff. 10-1-86; am. Register, May, 1992, No. 437, eff. 6-1-92; am., Register, October, 1999, No. 526, eff. 11-1-99.