

Chapter NR 154

AIR POLLUTION CONTROL

NR 154.01	Definitions	NR 154.10	Emergency procedures
NR 154.02	Applicability	NR 154.11	Actions required of persons causing or liable to cause air pollution
NR 154.03	Emissions prohibited	NR 154.12	Hearings, orders and appeals
NR 154.05	Limits of particulate emission	NR 154.13	Violations and enforcement
NR 154.06	Limits of gas emission	NR 154.14	Local air pollution control programs
NR 154.07	Limits of liquid or mist emission	NR 154.15	Limitations
NR 154.08	Limits of malodorous emission	NR 154.16	Severability
NR 154.09	Limits of motor vehicle emission		

NR 154.01 **Definitions.** (1) **ADVISORY COUNCIL.** The air pollution control advisory council created under section 144.37, Wis. Stats.

(2) **AIR CONTAMINANT.** Dust, smoke, soot, burning embers, sparks, particulate matter, fly ash, cinders, alkalis, oxides, radioactive substances, fume, mist, liquid, acid, vapor, gas, odor, allergen, pathogen, toxic material, or any combination thereof, but not including uncombined water vapor.

(3) **AIR POLLUTION.** The presence in the atmosphere of one or more air contaminants in such quantities and of such duration as is or tends to be injurious to human health or welfare, animal or plant life, or property, or water quality, or would unreasonably interfere with the enjoyment of life or property, or would reduce the visibility on public roads, waterways and harbors, so as to create hazard, or would interfere with the safe operation of an aircraft or airport.

(4) **AIR POLLUTION CONTROL OFFICER.** The person designated by the county or local government to be responsible for the air pollution control program within that jurisdiction.

(5) **AIR REGION.** An area designated by federal law in which a program of air pollution control is implemented on a regional basis.

(6) **AIR STANDARD.** The maximum level of any air contaminant existing in the ambient air during a stated period of time, as adopted by the department.

(7) **AMBIENT AIR.** The open air or atmosphere exterior to buildings.

(8) **BTU.** British thermal unit.

(9) **BUILDING FIRES.** The period during which a fresh fire is started, excluding the replenishing of an existing burning fuel bed with additional fuel.

(10) **CINDERS.** Particles not ordinarily considered as fly ash or dust because of their greater size, consisting essentially of fused ash and unburned matter.

(11) **CLEANING FIRES.** The act of removing ashes from the fuel bed or furnace.

(12) **COMBUSTION EQUIPMENT.** Any equipment, apparatus or device having a chamber or space wherein the combustible portions of any fuel or substance is burned, consumed, oxidized or converted into a gaseous state accompanied by the liberation of heat or power under control, and for which a flue, vent, chimney, stack, or exhaust pipe is required to conduct the products of combustion from the equipment to the ambient air.

(13) **CONTROL EQUIPMENT.** Any equipment whose function is to reduce the emission of air contaminants into the ambient air.

(14) **DEPARTMENT.** The department of natural resources, state of Wisconsin.

(15) **DUST.** Gas-borne or air-borne particles larger than one micron in mean diameter.

(16) **DUSTFALL.** The rate of particulate deposition as measured by methods described in the collection and analysis of dustfall, American Society for Testing and Materials, designation D-1739.

NOTE: Copies of the above designation D-1739-62, are available for inspection at the offices of Department of Natural Resources, 4610 University Avenue, and Secretary of State and Revisor of Statutes, Capitol, Madison, Wisconsin, and may be obtained for personal use from the American Society for Testing and Materials, 1916 Race Street, Philadelphia, Pennsylvania 19103.

(17) **EMISSION.** Release of air contaminants into the ambient air.

(18) **FLY ASH.** Particulate matter capable of being gas-borne or air-borne and consisting essentially of fused ash and unburned material.

(19) **FUME.** Gases, vapors or particulates that are of such character as to create an unclean, destructive, offensive or unhealthful condition.

(20) **GAS.** A gas or gaseous mixture with the exception of ambient air.

(21) **INCINERATOR.** A combustion device specifically designed for the destruction, by oxidation, of solid, semi-solid, liquid, or gaseous combustible wastes.

(22) **LOW VOLATILE SOLID FUEL.** A solid fuel, the volatile content of which is 23% or less on an ash free and moisture free basis.

(23) **MECHANICAL FIRING.** Any fuel-burning or combustion equipment or device incorporating a device by means of which fuel is mechanically introduced from outside the furnace into the zone of combustion.

(24) **MIST.** A suspension of any liquid in any gas or ambient air.

(25) **ODOR.** That property of an air contaminant that affects the sense of smell.

(26) **OPACITY.** State of a substance which renders it partially or wholly impervious to the rays of light.

(27) **OPEN BURNING.** Any fire from which the products of combustion are emitted directly into the ambient air without passing through a stack or chimney.

(28) **PARTICULATE MATTER.** Any material that exists as a solid.

(29) **PERSON.** Any owner, tenant, lessee, individual, partnership, association, syndicate, company, firm, trust, corporation, government corporation, cooperative, department, bureau, agency, or other entity.

(30) **PROCESS OR PROCESS EQUIPMENT.** Any equipment or process which causes, creates, modifies, handles, conveys, controls, discharges or comes in contact with air pollutants which are subsequently discharged into the ambient air. Processes and process equipment include, but not limited to, heat absorbing, chemical pulping, smelting, sand blasting, roasting, grinding, drying, conveying, baking, batching, melting, sintering, cleaning, pickling, galvanizing, pulverizing, painting, calcining, briquetting and sizing.

(31) **RINGELMANN CHART.** The chart published by the U. S. Bureau of Mines on which are illustrated graduated shades of grey to black for use in estimating the shade or density of smoke.

NOTE: Copies of Fundamentals of Smoke Abatement, December, 1950, Ringelmann Chart, Information Circular 7588, are available for inspection at the offices of Department of Natural Resources, 4610 University Avenue, and Secretary of State and Revisor of Statutes, Capitol, Madison, Wisconsin, and may be procured for personal use from the United States Department of Interior, Washington, D. C.

(32) **SMOKE.** All gaseous products of combustion, together with carbon, dust, fly ash, and all other particulate solids in combustion gases in sufficient density to be observable.

(33) **SMOKE DENSITY.** The shade of smoke determined after an observation using the Ringelmann smoke chart.

(34) **SOOT.** Agglomerated particles consisting mainly of carbonaceous material.

(35) **STACK OR CHIMNEY.** Stack, chimney, flue, conduit, or opening arranged for the emission of air pollutants into the ambient air.

(36) **STANDARD CONDITIONS.** Temperature of 68°F and barometric pressure of 29.92 inches of mercury, absolute.

(37) **SUSPENDED PARTICULATE MATTER.** Solids suspended in the ambient air.

(38) **TOXIC.** Having a poisonous or deleterious effect on human, plant, or animal life.

(39) **VAPOR.** The gaseous form of a substance normally in the liquid or solid state.

(40) **VOLATILE OR VOLATILE MATTER.** The gaseous constituents of solid fuels as determined by the procedure defined in the American Society for Testing and Materials, method D271, amended or revised to the current date.

NOTE: Copies of the above standard D271-68 are available for inspection at the offices of Department of Natural Resources, 4610 University Avenue, and Secretary of State and Revisor of Statutes, Capitol, Madison, Wisconsin, and may be procured for personal use from the American Society for Testing and Materials, 1916 Race Street, Philadelphia, Pennsylvania, 19103.

(41) **WASTE.** The unused or unuseable products of processes, including but not limited to dust, cinders, ash, fibers, mineral wool, lint, hulls, grain chaff, sludge, pickling and plating wastes, and contaminated solvents.

History: Cr. Register, June, 1970, No. 174, eff. 7-1-70.

Register, May, 1971, No. 185
Environmental protection

NR 154.02 Applicability. The provisions of this chapter govern the release of air contaminants to the ambient air and the regulation of them by:

(1) The air pollution control officer of a county which has a county-wide program deemed adequate by the department under sections 59.07 (85), 59.07 (53), and 144.41, Wis. Stats.

(a) Where adequate programs exist, persons shall be subject to the ordinances of such programs, as long as they are not less strict than these rules, in which case these rules govern.

(2) The department, where an adequate countywide program does not exist.

History: Cr. Register, June, 1970, No. 174, eff. 7-1-70.

NR 154.03 Emissions prohibited. (1) **EXCEPTION.** No person shall cause, suffer, or allow emissions into the ambient air which cause or substantially contribute to air pollution, except when:

(a) An approved program or plan with a time schedule of correction has been undertaken, and correction is being pursued with diligence.

(b) Equipment failure occurs and the emission was not reasonably preventable.

(2) **OPEN BURNING.** (a) Open burning is prohibited with the following exceptions:

1. Brush and weeds on agricultural lands and from clearing or maintenance along rights-of-way.

2. Fires set to manage wildlife habitat, for forest management, and backfires to control forest fires.

3. Fires set for practice and instruction of firemen.

4. Outdoor fires for cooking and recreation.

5. Burning of small amounts of dry combustible rubbish, but not to include wet combustible rubbish, garbage, oily substances, asphalt, plastic or rubber products.

6. Burning of small amounts of leaves and plant clippings.

7. Burning of small amounts of combustible debris at demolition and construction sites.

8. Burning of waste at rural or isolated sites outside of air regions which sites are licensed under Wis. Adm. Code section NR 151.18 of the solid waste disposal standards of the department or at any solid waste disposal operation where special burning permits are issued.

9. Burning of explosive or dangerous combustible wastes for which there is no other safe means of disposal.

(b) In any case, open burning under par. (a) above shall be done in a safe pollution free manner, when wind and weather conditions are such as to minimize adverse effects, and in conformance with local and state fire protection regulations.

(3) **DISPOSAL OF TOXIC AND HAZARDOUS WASTES.** (a) Disposal by fire or heat of significant quantities of wastes toxic to human, plant, or animal life—including but not limited to insecticides, herbicides, fungicides, and rodenticides—is prohibited unless permitted by the department in incinerators designed for this purpose. Otherwise,

Register, May, 1971, No. 185
Environmental protection

materials shall be disposed of in accordance with the standards for solid waste disposal of the department, Wis. Adm. Code chapter NR 151.

(4) **DISPOSAL OF RADIOACTIVE SUBSTANCES.** (a) Disposal of radioactive substances, isotopes, or their wastes, by fire or heat and emission into the open air of radioactive substances is prohibited unless approved under license of the U. S. Atomic Energy Commission.

(5) **MISCELLANEOUS EMISSIONS.** (a) A person shall maintain his premises, and materials stored on his premises, so as to minimize air pollution from blowing dust, smoke, spontaneous combustion, fumes, gases, and odors.

(b) Materials moved on public roads, railroads, and navigable waters shall be secured and protected in such a manner as to minimize the spreading of dust, and odor, and the scattering of debris.

(c) All combustion process equipment and systems shall be installed, operated and maintained in such manner as to minimize air pollution from smoke and soot.

History: Cr. Register, June, 1970, No. 174, eff. 7-1-70; am. (2) (a) 8. and (3) (a), Register, May, 1971, No. 185, eff. 6-1-71.

NR 154.05 Limits of particulate emission. (1) **VISUAL SMOKE LIMITS.** (a) *Ordinary operation of fixed installations.* No person shall cause, suffer, or allow to be emitted into the ambient air from any stack, chimney, process, combustion, or control equipment, incinerator, internal combustion engine, premises, open fire, or gas flare, smoke or emission of such opacity, shade, or density which is equal to or greater than No. 2 of the Ringelmann chart, except for 2 minutes in any 30 minute period during which time emission may equal but not exceed No. 2 of the Ringelmann chart, and except:

1. When combustion equipment is being cleaned or to start a new fire, for a period of 9 minutes in any one hour period during which time emission may equal but not exceed No. 2 of the Ringelmann chart or may be of unlimited shade, density, or opacity for 5 minutes in any one hour. These periods are alternative and not cumulative.

2. When equipment failure occurs and the emission was not reasonably preventable.

3. Metallurgical processes enumerated in section NR 154.05 (2) (b) 3.

4. Where uncombined water is the only cause for failure to meet the requirements of this rule.

5. For stated periods of time as permitted by the department or an air pollution control officer for such purposes as operating tests, required use of standby equipment, or other good cause provided no air pollution results and no hazard arises to health. During such periods, emission may equal but shall not exceed No. 3 of the Ringelmann chart.

(b) *Locomotives.* 1. In or ready for service: same as section NR 154.05 (1) (a), 2, and 4, and in addition emission may be unlimited for 45 seconds in any 3 minute period.

2. Start up, firebox cleanout, or making ready for service after idling one shift: same as section NR 154.05 (1) (a), 1, 2, and 4.

(c) *Ships and tugboats within a harbor.* 1. Navigating, maneuvering, towing, or operating self unloading machinery: same as section

NR 154.05 (1) (a), 2, and 4, and, in addition, emission may be unlimited for 3 minutes in any 15 minute period.

2. At dock or anchor, same as section NR 154.05 (1) (a), 2 and 4; and, in addition, emission may be unlimited for 3 minutes in any 15 minute period while a tugboat is docked or 3 minutes in the last 15 prior to a ship's departure from the dock. These periods are not cumulative with provisions of the following subsection.

3. Fire box clean outs, new fires, and during inspection tests of the U. S. Coast Guard: same as section NR 154.05 (1) (a), 1.

4. These provisions do not apply to a ship during distress operations.

(2) QUANTITATIVE LIMITS OF PARTICULATE EMISSIONS. (a) *Existing fixed installations.* 1. Persons operating installations with emissions in excess of limits of section NR 154.05 (2) (b) shall within one year of the effective date of these rules submit to the department a plan or program to bring emissions into compliance with this section. The department may grant up to 2 additional years to implement this plan, taking into account the nature and seriousness of the air pollution problem being created. No extension beyond this time limit for implementation may be granted without formal application to the department which establishes adequate justification. Determinations by the department on such applications are subject to appeal to the natural resources board.

(b) *New, replaced, relocated, modified, or remodeled fixed installations.* 1. Indirect heat exchangers, power and heating plants, fuel burning installations, and pulp recovery furnaces:

a. No person shall cause, suffer, or allow to be emitted into the ambient air, solids in excess of .6 pounds of dust per million btu input from any single stack, irrespective of its height, measured at any convenient representative point in the discharge breeching or stack. Allowable emission of particulate matter for any installation shall be determined by use of figure 2 of the standard no. aps-1 American Society of Mechanical Engineers, taking into account all appendices of this standard, except:

I. For existing facilities outside of air regions the department may permit emissions not to exceed .8# of dust per million btu input when a person has demonstrated that it is not technically practical to meet the foregoing requirement of .6# of dust, and the emission at .8# of dust causes no significant degradation of air quality in comparison to the .6# of dust limitation.

NOTE: Copies of Recommended Guide for the Control of Dust Emission—Combustion for Indirect Heat Exchangers, A.S.M.E. standard No. aps-1, 2nd edition, November, 1968, are available for inspection at the offices of Department of Natural Resources, 4610 University Avenue, Secretary of State and Revisor of Statutes, Capitol, Madison, Wisconsin, and may be procured for personal use from the American Society of Mechanical Engineers, 345 E. 47th Street, New York, New York 10017.

2. Incinerators:

a. Rated at 500 pounds per hour or less: .6 pounds of dust per 1,000 pounds of gas corrected to 12% CO₂.

b. Rated at over 500 pounds per hour: .5 pounds dust per 1,000 pounds gas corrected to 12% CO₂.

c. Prefabricated domestic incinerators below 5 cubic feet capacity shall not exceed the performance emission requirements prescribed

by the U. S. of America Standards Institute for domestic incinerators, standard z21.6.

NOTE: Copies of standard referred to, Z21.6—1966, are available for inspection in the offices of Department of Natural Resources, 4610 University Avenue, and Secretary of State and Revisor of Statutes, Capitol, Madison, Wisconsin, and may be obtained for personal use from the United States of America Standards Institute, 10 E—40th Street, New York, New York 10016.

3. Metallurgical processes:

- a. Cupolas: 0.45 pounds dust per 1,000 pounds of gas.
- b. Electric arc furnaces: 0.1 pounds dust per 1,000 pounds of gas.
- c. Open hearth furnaces: 0.2 pounds dust per 1,000 pounds of gas.
- d. Basic oxygen furnaces: 0.1 pounds dust per 1,000 pounds of gas.
- e. Sintering plants: 0.2 pounds dust per 1,000 pounds of gas.
- f. Air melting furnaces: 0.3 pounds dust per 1,000 pounds of gas.
- g. Heating and preheating furnaces: 0.3 pounds dust per 1,000 pounds of gas.
- h. Blast furnaces: 0.2 pounds dust per 1,000 pounds of gas.

4. Construction industry related processes:

- a. Asphalt, concrete, and aggregate mix plants: 0.3 pounds dust per 1,000 pounds of gas.
- b. Cement kilns: 0.2 pounds dust per 1,000 pounds of gas.
- c. Lime kilns: 0.2 pounds dust per 1,000 pounds of gas.
- d. Cement clinker coolers: 0.3 pounds dust per 1,000 pounds of gas.
- e. Grinding, drying, mixing, conveying, sizing, blending: 0.2 pounds dust per 1,000 pounds of gas.

5. Grain processing and handling: 0.4 pounds dust per 1,000 pounds of gas.

6. (Reserved for future use)

7. (Reserved for future use)

8. Any other process not enumerated: 0.4 pounds dust per 1,000 pounds of gas. If more than one emission standard is applicable, the most restrictive shall apply.

9. Measurement of emissions shall follow methods described in performance test code 26, American Society of Mechanical Engineers, unless another method is accepted by the department.

(NOTE: Standard is not on file.)

a. Interpretations of test results under this rule shall be made with due consideration for errors inherent in the test procedure.

b. Unless prior written approval is obtained from the department, no person shall build, erect, install or use any machine, equipment or other contrivance to dilute an emission with air which otherwise would be in violation of section NR 154.05 (2)

History: Cr. Register, June, 1970, No. 174, eff. 7-1-70.

NR 154.06 Limits of gas emission. Emission of gaseous pollutants shall be limited so as not to cause air pollution.

History: Cr. Register, June, 1970, No. 174, eff. 7-1-70.

NR 154.07 Limits of liquid or mist emission. Emission of liquid or mist shall be limited so as not to cause air pollution.

History: Cr. Register, June, 1970, No. 174, eff. 7-1-70.

NR 154.08 Limits of malodorous emission. No person shall emit into the ambient air malodorous substances at levels which cause air pollution.

History: Cr. Register, June, 1970, No. 174, eff. 7-1-70.

NR 154.09 Limits of motor vehicle emission. (1) No person shall cause, suffer, allow or permit the removal, dismantling, disconnection, or disabling of any air pollution control device or system which has been installed on a motor vehicle under public laws of the United States, known as the Clean Air Act of 1963, Public Law 88-206, as amended, and subsequent emission standards issued pursuant to them by the United States Department of Health, Education, and Welfare, including, but without limitation:

- (a) Positive crank case ventilation systems.
 - (b) Exhaust emission control devices.
 - (c) Evaporative fuel loss control systems.
 - (d) Any other control device operating on principles such as thermal destruction, absorption, or adsorption.
- (2) Owners and operators of vehicles shall maintain air pollution control devices and systems and in good working order in accordance with the recommendations of the manufacturer.
- (3) Failure to maintain such devices and systems in proper working order shall be cause for suspension or cancellation of the registration of the vehicle and the vehicle shall not be eligible for registration thereafter until control devices and systems are restored to good working order.

History: Cr. Register, June, 1970, No. 174, eff. 7-1-70.

NR 154.10 Emergency procedures. (1) **EXISTING EMERGENCY.** If the department finds that a generalized condition of air pollution exists and that it creates an emergency requiring immediate action to protect human health or safety, the department shall order persons causing or contributing to the air pollution to reduce or discontinue immediately the emission of air contaminants, and such order shall fix a place and time, not later than 24 hours thereafter, for a hearing to be held before the department. After the commencement of such hearing, and without adjournment thereof, the natural resources board shall affirm, modify or set aside the order of the department.

(2) **IMMINENT EMERGENCY.** In the absence of a generalized condition of air pollution of the type referred to in section NR 154.10 (1), if the department finds that emissions from the operation of one or more air contaminant sources is causing imminent danger to human health or safety, it may order the persons responsible for such operations to reduce or discontinue emissions immediately, without regard to notices served or orders issued. In such event, the requirements for hearing and affirmance, modification or setting aside of orders set forth in section NR 154.10 (1) shall apply.

(3) **ACCIDENT, EXPLOSION, OR OTHER DISASTER.** Control of toxic and hazardous emissions following accident, explosion, or other disaster shall be under the direction and orders of the local fire protection agency in whose jurisdiction the incident has occurred. Emergency support operations will be instituted according to local mutual aid agreements and civil disaster plans.

History: Cr. Register, June, 1970, No. 174, eff. 7-1-70.

Register, May, 1971, No. 185
Environmental protection

NR 154.11 Actions required of persons causing or liable to cause air pollution. (1) **GENERAL INFORMATION ON EMISSIONS.** When requested, a person shall furnish to the department information to locate and classify contaminant sources according to type, level, and other characteristics, sufficient to evaluate the effects on health, physical effects on adjoining property, and the environment. Such information, to the extent available, may include, without limitation, for each process or system:

(a) *Fuels used, type, and average daily consumption.*

1. Coal: ash and sulfur content
2. Oil: sulfur content
3. Gas or other fuel
4. Pulp liquors consumed in recovery furnaces: btu content on dry solids basis, average and range.

(b) Rating and type of combustion, incineration, or process equipment, and their average daily amount of materials processed or products produced, and with respect to incineration, the type of waste incinerated and supplemental fuel used.

(c) Rating and efficiency of air pollution control equipment for each principal unit of equipment or system.

(d) Type and daily amount of waste collected in control equipment, and its place of disposal. Disposal shall be in accordance with standards for solid waste disposal, Wis. Adm. Code chapter NR 151.

(e) Heights and locations of stacks, chimneys, or contaminant outlets with respect to the person's property line and to adjacent terrain if irregular.

(f) The usual number of operating days per year, noting seasonal variations if significant.

(g) An estimate of various air contaminants emitted as pounds per average working day.

(2) **REPORTING OF UNUSUAL EMISSIONS:**

(a) A person shall report to the air pollution control officer unusual short term emissions due to breakdown, emergency, testing or other reasons for its occurrence.

(b) A person shall report to the air pollution control officer or to the department the possibility of unusual longer term emissions due to required use of standby equipment, or periods of operation at abnormally low or high capacity.

(3) **FURNISHING OF NOTICE OF CONSTRUCTION, PLANS, SPECIFICATIONS, OR OTHER INFORMATION.** Prior to construction of new facilities, or the addition to, enlargement of, relocation, replacement, or major alteration of existing facilities, which emit contaminants into the ambient air, a person shall furnish sufficient information needed to determine if the installation will be in accordance with these rules, when required under subsection (3) (d).

(a) *Notice of construction.* Dates of start of construction and expected completion.

(b) *A summary of basic information.* Normally general information on emissions furnished in accordance with subsection (1), will be sufficient without further submittal of plans or specifications.

1. Migratory operations such as asphalt hot mix plants need to submit only summarized general information sufficient to determine location, duration of stay, type and degree of pollution control, and exposure on the property of others. An operation is not considered migratory if it remains at a site 10 months or more.

(c) *Plans and specifications, when requested by the department may include or require:*

1. Two copies of pertinent contract or working drawings and those sections of the specifications pertaining to air pollution control devices, or systems, their performance standards, the acceptance tests to be performed, and guarantees of performance. Single line scale drawings with sufficient information may be accepted in lieu of contract or working drawings.

2. The plans shall indicate location of sampling ports, and provisions for a safe place to work for test crews.

3. Plans, specifications, and other information shall be prepared and submitted by a professional engineer registered in the state except:

a. Where a single collection or control device is placed in a system carrying less than 5,000 standard cfm., and the collection devices are of a common or standard type.

4. When performance tests of control equipment are required, they shall be done by or under the direction of a qualified engineer or person with demonstrated ability in this field.

a. The department shall be advised in advance of the test, and a representative may witness the test.

b. The engineer shall furnish a report of test results within 30 days to the department.

5. Samples of fuels, materials being processed, and collected contaminants are to be furnished upon request of the department.

(d) *Notice of construction, plans, specifications, and other information is required by the department in the following cases:*

1. Processes for which quantitative limits have been established in these rules.

a. Particulate emission, refer to section NR 154.05 (2) (b).

I. Indirect heat exchangers:

a) Burning coal or coke with 500 pounds or more per hour input

b) Burning 30 or more gallons per hour of No. 5 or No. 6 oil

c) All pulp recovery furnaces

II. Incinerators burning over 500 pounds per hour which are to be licensed under the solid waste disposal standards, chapter NR 151. Submittal of information for licensing meeting the emission limits of these rules requires no separate or additional submittal to the department.

III. Metallurgical processes:

a) Cupolas with 4 or more tons per hour melting rate

b) Electric arc furnaces with 3 or more tons batch capacity.

c) All other furnaces and sintering plants regardless of size

IV. Construction industry related processes.

a) Asphalt mix plants rated at 40 or more tons per hour

b) All cement and lime kilns and cement clinker coolers

V. Grain processing, producing or handling more than 25 tons product per day.

VI. Other processes vented to the ambient air producing more than 25 tons of product per day.

(4) WHEN PLANS ARE DISAPPROVED WITH ORDER TO PROHIBIT CONSTRUCTION.

(a) The aggrieved person shall be granted a hearing on the order if he so requests in accordance with the rules of the department.

(b) Absence or failure of the department to issue a rule or order does not relieve a person from compliance with the emission limits of these rules.

(5) SPECIFICATION OF EQUIPMENT. (a) Any equipment, device, machinery, or supplier may be used in construction as long as the requirements of these rules can be met.

(6) EQUIPMENT OPERATION AND MAINTENANCE. Any control equipment, features, machines, and devices constituting parts of or called for by plans, specifications, or other information submitted pursuant to approval for construction shall be maintained in good working order.

(7) RECORDS CONCERNING EMISSIONS. No person shall deny information or access to records relating to emissions which cause or contribute to air contamination to a duly authorized representative of the department or to an air pollution control officer.

(8) DENIAL OF ENTRY AND REPORT OF FACTS. No person shall:

(a) Deny entry at any reasonable time to a duly authorized representative of the department or to an air pollution control officer for purposes of inspection of an air contaminant source.

(b) Deny entry at any time to a duly authorized representative of the department or an air pollution control officer when an emergency condition exists or is believed to be imminent.

(c) Be denied a report from the air pollution control officer or the department of the facts found during the inspection, if so requested by that person.

(9) CONFIDENTIALITY OF INFORMATION. A person shall specify to the department or to an air pollution control officer which of the certified records or information furnished under this section is to be treated as confidential in accordance with section 144.33, Wis. Stats.

History: Cr. Register, June, 1970, No. 174, eff. 7-1-70; am. (1) (d) and (3) (d) 1. II, Register, May, 1971, No. 185, eff. 6-1-71.

NR 154.12 Hearings, orders, and appeals. (1) The department may:

(a) Hold hearings relating to any aspect of these rules.

(b) Issue orders to effectuate the purposes of these rules, and enforce the same by all appropriate administrative and judicial proceedings.

(2) Any person aggrieved by determination of, or orders issued by, the department shall be granted a hearing upon filing of notice of appeal.

History: Cr. Register, June, 1970, No. 174, eff. 7-1-70.

NR 154.13 Violations and enforcement. (1) Whenever the department has reason to believe these rules have been violated, it may cause written notice to be served on the alleged violator.

Register, May, 1971, No. 185
Environmental protection

(2) The notice shall specify the rule or rules alleged to be violated, and contain a findings of fact on which the charge of violation is based.

(3) The notice may include an order that necessary corrective action be taken within reasonable time.

(4) Any such order shall become effective on the day therein specified but no later than 10 days after the date the notice and order are served, unless the person named therein requests in writing a hearing before the department. Upon such request, the department shall after due notice hold a hearing in accordance with the rules of the department.

(5) In lieu of an order, the department may require the alleged violator to appear before the department for a hearing at a time and place specified in the notice and answer the charges against him.

(6) If after such hearing the department finds that a violation has occurred, it shall affirm or modify its order previously issued, or issue an appropriate order for the prevention, abatement or control of the problems involved or for the taking of such other corrective action as may be appropriate. If the department finds that no violation has occurred, it shall rescind its order. Any order issued as part of a notice or after hearing may prescribe one or more dates by which necessary action shall be taken in preventing, abating or controlling the violation.

(7) PENALTIES. See section 144.57, Wis. Stats.

History: Cr. Register, June, 1970, No. 174, eff. 7-1-70.

NR 154.14 Local air pollution control programs. (1) COUNTY OR REGIONAL PROGRAMS. (a) After consultation with incorporated units of local government, any county or group of counties may establish and thereafter administer within its jurisdiction, including incorporated areas, an air pollution control program, which:

1. Provides air pollution control ordinances compatible with, or more stringent or restrictive than these rules. Such ordinances shall supersede any existing local ordinances.

2. Provides for countywide or regional enforcement of the ordinances, and for appropriate administrative and judicial process.

3. Provides for administrative organization, staff, financial and other resources to effectively and efficiently carry out its program.

4. May authorize municipalities to participate in the program.

5. Is approved by the department as adequate to meet the requirements of these rules.

(2) ADEQUATE PROGRAM. An adequate program in addition to features of the program listed in section NR 154.14 (1) requires:

(a) Appointment of an air pollution control officer to be responsible for the program within the county or the region.

(b) Consultation and coordination with incorporated units of local government.

(c) Cooperation with the department in the statewide program regarding:

1. Information on activities

2. Emission information

Register, May, 1971, No. 185
Environmental protection

3. Air monitoring and air quality studies
4. Enforcement
5. Other data and information of mutual benefit

(d) An agreement between the department and the air pollution control officer and as approved by the county board or boards of supervisors as to which of the elements of the program are the sole responsibility of the air pollution control officer, and other matters to effect coordination.

(3) **COOPERATION BY THE DEPARTMENT.** The department shall cooperate with and support the county or regional program in a coordinated effort in all its aspects including:

- (a) Training of personnel
- (b) Emergency procedures
- (c) Review of plans and specifications
- (d) Application for federal aid

(4) **ADMINISTRATIVE COSTS.** Any county or region which has, or is actively developing, an adequate air pollution control program shall not be charged by the department with the costs of administration under section 144.41 (4) (c), Wis. Stats.

History: Cr. Register, June, 1970, No. 174, eff. 7-1-70.

NR 154.15 Limitations. (1) Nothing in these rules shall be construed to limit the provisions of any regional, county, or municipal ordinance, or regulation which is more stringent or restrictive.

History: Cr. Register, June, 1970, No. 174, eff. 7-1-70.

NR 154.16 Severability. (1) Should any section, paragraph, phrase, sentence, or clause of this chapter be declared invalid or unconstitutional for any reason, the remainder of this chapter shall not be affected thereby.

History: Cr. Register, June, 1970, No. 174, eff. 7-1-70.