

necessary. The information shall be sufficient to evaluate the effect on air quality and compliance with these rules.

History: Cr. Register, March, 1972, No. 195, eff. 4-1-72; am. Register, June, 1975, No. 234, eff. 7-1-75.

NR 154.04 Notice of intent. (1) No person shall cause, suffer, allow or permit the construction of a new stationary source, or the addition to, enlargement of, relocation, modification, or replacement of an existing stationary source listed hereunder, without submitting in writing a notice of intent to the department prior to construction or modification of said source. A notice of intent shall be submitted for any stationary source:

(a) Which can burn coal, coke or other solid fuel at a heat input rate greater than one million BTU per hour.

(b) Which can burn distillate oil (fuel oil), crude oil or residual oil at a heat input rate greater than 5 million BTU per hour.

(c) Which can burn gaseous fuel at a heat input rate greater than 30 million BTU per hour.

(d) Which can incinerate solid wastes at a rate greater than 50 pounds per hour (dry basis) or which can incinerate liquid wastes at a rate greater than 50 pounds per hour. Incinerators over 1,000 pounds per hour capacity are to be licensed under the solid waste management rules, Wisconsin Administrative Code, chapter NR 151. ✓ A single submittal of a notice of intent to the department will be sufficient notification.

(e) Which produces carbon black, charcoal, detergent or soap, explosives, hydrofluoric acid, nitric acid, paint, varnish, phosphoric acid, plastics, printing ink, sodium carbonate, sulfuric acid, sulfur dioxide, dehydrated alfalfa, dried corn, roasted coffee, feed and grain, fish meal, fertilizers, smoked meats and sausage, starch, primary metals, ferroalloys, metallurgical coke, cast metals, asphalt roofing, asphalt concrete, brick or clay products, calcium carbide, cement, ceramics, cleaned coal, concrete mix, desulfurized oil, fiberglass, frit glass, gypsum, lime mineral wool, paperboard, perlite, paper pulp, phosphate rock, gravel, sand, stone, refined petroleum or petrochemical products, or wood products.

(f) Which emits asbestos, antimony, barium, beryllium, bromine, cadmium, chlorine, chromic acid, chromates, chromium, cobalt fume or dust, copper fume or dust, cyanides, fluorine, hydrogen chloride, hydrogen fluoride, iron (water soluble salts), lead, manganese, mercury, molybdenum, nickel carbonyl, nickel, nitric acid (including anhydrides), phosphoric acid including anhydrides, phosphorus (yellow), platinum (water soluble salts), selenium, sulfuric acid, thallium (water soluble compounds), tin, uranium, vanadium, pesticides, their mixtures, or their compounds. This section shall not apply to laboratories or water chlorination facilities.

(g) Which emits or may emit organic compounds at more than 15 pounds per day or more than 3 pounds per hour.

(h) Which can store more than 1,000 gallons of a photochemically reactive compound.

(i) Which can store more than 40,000 gallons of any organic compound.

(j) Which is an indirect source in a Standard Metropolitan Statistical Area (SMSA) and which meets one of the following criteria:

1. Any new parking facility, or other new indirect source with an associated parking area, which has a parking capacity of 1,000 cars or more.

2. Any modified parking facility or any modification of an associated parking area which increases parking capacity by 500 cars or more.

3. Any new highway project with an anticipated annual peak hour traffic volume of 1,200 or more vehicles per hour within 10 years of construction.

4. Any highway modification project which will increase the annual peak hour traffic volume by 1,200 or more vehicles per hour within 10 years after modification.

(k) Which is an indirect source outside all SMSA's and which meets one of the following criteria:

1. Any new parking facility or other new indirect source with an associated parking area which has a parking capacity of 1,500 cars or more.

2. Any modified parking facility or any modification of an associated parking area which increases parking capacity by 750 cars or more.

3. Any new highway project which will carry 4 or more lanes of traffic and which has an anticipated annual peak hour traffic volume of 1,800 or more vehicles per hour within 10 years of construction.

4. Any highway modification project which will create an additional 2 or more lanes of traffic and which will increase the annual peak hour traffic volume by 1,800 or more vehicles per hour within ten years after modification.

(l) Which is an airport, the construction or general modification program of which is expected to result in the following activity within 10 years of construction or modification:

1. New airport: 50,000 or more operations per year by regularly scheduled certified air carriers, or use by 1,000,000 or more passengers per year.

2. Modified airport: Increase of 50,000 or more operations per year by regularly scheduled certified air carriers over the existing volume of operations or increase of 1,000,000 or more passengers per year.

(m) Which exceeds one of the criteria in paragraph (l) of this section as a result of incremental growth. Where a stationary source is constructed or modified in increments which individually are not subject to review under this paragraph, all such increments occurring since the effective date of this rule or since the latest approval

hereunder, whichever date is most recent, shall be added together for determining the applicability of this paragraph.

(n) Which has uncontrolled emissions which exceed or are estimated to exceed 6 pounds per hour of any air contaminant or which causes objectionable odors. In those cases where this size limitation applies as well as another of the limitations above, the more restrictive limitation shall be used.

(2) A separate written notice of intent shall be submitted for each construction or modification project. If a statement of the environmental impact of a project is to be prepared, such statement may be submitted as the notice of intent if accompanied by a letter stating that the submittal is to serve as the notice of intent, provided that the statement contains the information requested in this section.

(a) For all stationary sources, said notice of intent shall include, but not be limited to:

1. The name, address and telephone number of the person submitting the notice of intent and the names(s) and address(es) of any other owner(s) and/or operator(s) of the facility.

2. A listing of all stationary sources associated with the facility.

3. A map showing the location and layout of the facility and adjacent streets, roads and property.

4. The expected dates when construction will commence, when emissions associated with the operation of the facility will begin, and when all aspects of the facility will be completed and open for business or fully operational.

5. The estimated cost of the project.

(b) For direct and portable sources, said notice of intent shall include, but not be limited to, in addition to the information required in subsection (2) (a) above:

1. Manufacturer of the equipment; model number and rated capacity.

2. Description of the process and a flow diagram.

3. Estimated composition and amounts of raw materials used.

4. Expected types, composition and amounts of fuel burned, including:

- a. Heating values.

- b. Sulfur content, percentage by weight.

- c. Ash content, percentage by weight.

5. Operating schedule.

6. Information on any equipment to be used for measurement or control of emissions.

7. Stack height, temperature, exit diameter and exit velocity.

8. Emission rates at rated capacity of particulate matter, sulfur oxides, nitrogen oxides, carbon monoxide, hydrocarbons, TRS or any toxic and hazardous materials.

(c) For relocation of a portable source, said notice of intent shall include, in addition to the information required in subsection (2) (a) above, the submittal of a completed application form supplied by the department upon request.

(d) For indirect sources other than highway projects, said notice of intent shall include, in addition to the information required in subsection (2) (a) above:

1. A description of the proposed use of the site, including the normal hours of operation of the facility and the general types of activities to be operated therein.

2. A site plan showing the location of associated parking areas, points of motor vehicle ingress and egress to and from the site and its associated parking areas and the location and height of buildings on the site.

(e) For airports, said notice of intent shall include, in addition to the information required in subsection (2) (a) above:

1. An estimate of the maximum number of aircraft operations per day by type of aircraft and an estimate of total passenger loadings during the first and tenth years after the expected date of completion.

2. The information required under subsection (2) (d) above.

(f) For highway projects, said notice of intent shall include, in addition to the information required in subsection (2) (a) above:

1. An estimate of the annual peak hour traffic volume and annual average daily traffic volume expected during the first and tenth years after the expected date of completion.

2. An estimate of vehicle speeds for annual peak hour and annual average daily traffic volume conditions.

3. The maximum vehicle capacity of the highway project.

4. A description of the general features of the highway project and associated right-of-way, and location of receptors along the right-of-way.

(3) Exemption from the requirement to submit a notice of intent does not relieve any persons from compliance with the emission limits of this chapter, the air quality requirements of chapter NR 155, or the reporting requirements of chapter NR 101.

History: Cr. Register, March, 1972, No. 195, eff. 4-1-72; r. and recr. Register, June, 1975, No. 234, eff. 7-1-75.

NR 154.05 Action on applications. (1) After receipt of a notice of intent the department shall determine if the proposed project or action shall come under more detailed plan review and respond to the applicant with either an approval to proceed or, as a condition precedent to construction, installation, modification, relocation, or replacement of the stationary source, require the submission of such plans, specifications, or other information as may be needed for an

analysis of the air quality impact of the project and/or for determining whether emission limits will be exceeded. When the department requires submittal of such plans and specifications, the proposed project becomes an affected facility.

(2) If within 30 days after the receipt of plans, specifications, or other information as required in subsection (1) of this section, the department determines the source will not be in accordance with the requirements of this section, it shall issue an order prohibiting the construction, installation, or establishment of the source. If the department does not issue such an order within the 30-day period the construction, installation, or establishment of the source may proceed in accordance with the plans, specifications and other information submitted.

(a) When plans receive only conditional approval or when an order to prohibit construction is issued, the aggrieved person may request a hearing in accordance with the rules of the department.

(3) For a direct source, the department shall issue an order prohibiting construction if it determines that the affected facility will:

(a) Cause a violation of any control strategy of the state implementation plan.

(b) Cause or exacerbate a violation of any ambient air quality standard in any region or portion thereof.

(c) Degrade the air quality of the area sufficiently to prevent the construction of any other stationary source, for which plans are received by the department prior to the commencement of the plan review period for the affected facility, from being approvable under these rules.

(4) For an indirect source other than a highway project or an airport, the department shall issue an order prohibiting construction if it determines that the affected facility will:

(a) Cause a violation of any control strategy of the state implementation plan.

(b) Cause or exacerbate a violation of either ambient air quality standard for carbon monoxide in any region or portion thereof.

(c) Raise the carbon monoxide level in the area sufficiently to prevent the construction of any other stationary source, for which plans are received by the department prior to the commencement of the plan review period for the affected facility, from being approvable under these rules.

(5) For a highway project subject to this paragraph, the department shall issue an order prohibiting construction if it determines that the affected facility will:

(a) Cause a violation of any control strategy of the state implementation plan.

(b) Cause or exacerbate a violation of either ambient air quality standard for carbon monoxide in any region or portion thereof.

(c) Degrade the air quality along the highway corridor sufficiently to prevent construction of any other indirect source, for which plans are received by the department prior to the commencement of the plan review period for the affected facility, from being approvable under these rules.

(d) The determination pursuant to subsection (5) (b) and (c) of this section shall be made by evaluating the anticipated concentration of carbon monoxide at nearby receptor or exposure sites which will be affected by the mobile source activity expected on the highway for the ten-year period following the expected date of completion, using traffic flow characteristic guidelines published by the U.S. environmental protection agency, appropriate atmospheric diffusion models, and/or any other reliable analytic method.

(e) For any new highway project with an anticipated average daily traffic volume of 50,000 or more vehicles per day within 10 years of construction or any highway modification project which will increase the average daily traffic volume by 25,000 vehicles per day or more within 10 years after modification, the department may require the following in addition to the requirements of subsection (5) (d) of this section for consideration in determining the approvability of the affected facility. The expected concentration of carbon monoxide, photochemical oxidants and nitrogen dioxide shall be estimated for the 10-year period following completion of construction or modification using an areawide air quality analysis or other modeling technique approved by the department.

(6) For an airport subject to this paragraph, the department shall issue an order prohibiting construction if it determines that the affected facility will:

(a) Cause a violation of any control strategy of the state implementation plan.

(b) Cause or exacerbate a violation of either ambient air quality standard for carbon monoxide in any region or portion thereof.

(c) The determination pursuant to subsection (6) (b) of this section shall be made according to department guidelines. These guidelines may include the following:

1. All emissions from stationary and mobile sources at the airport, as well as emissions from the development of other new stationary sources expected to occur within 3 miles of the perimeter of the airport, will be added together in order to determine the aggregate impact on air quality for the 10-year period following the expected date of completion.

2. An areawide air quality analysis, or other modeling technique approved by the department will be used to determine the expected ambient concentration of carbon monoxide following construction or modification.

3. For highway projects and parking facilities specified under subsection (6) (c) of this section which are associated with airports, the applicable procedures specified in subsections (5) (d) and (e) of this section will be used.

(d) In addition to the requirements of subsection (6) (c) of this section, the department may require that an areawide air quality analysis or other modeling technique approved by the department be used to determine the expected ambient concentrations of photochemical oxidants and nitrogen dioxide following construction or modification for consideration in determining the approvability of the affected facility.

(7) The air quality impact of a proposed stationary source will be determined at such locations where people might reasonably be exposed for time periods consistent with the ambient air quality standards for the pollutants for which an analysis is carried out.

(8) Whenever a stationary source as proposed by an owner or operator's application would not be permitted to be constructed for failure to meet the tests set forth in subsections (3), (4), (5) or (6) of this section, the department may, instead of issuing an order prohibiting construction, grant a conditional approval which imposes reasonable conditions related to the air quality aspects of the proposed facility so that such facility, if constructed or modified in accordance with such conditions, could meet the tests set forth in subsections (3), (4), (5) or (6) of this section. For indirect sources, such conditions may include, but are not limited to:

(a) Binding commitments to roadway improvements or additional mass transit facilities to serve the facility secured by the owner or operator from governmental agencies having jurisdiction thereof.

(b) Binding commitments by the owner or operator to specific programs for mass transit incentives for the employes and patrons of the source.

(c) Binding commitments by the owner or operator to construct, modify or operate the facility in such a manner as may be necessary to achieve the traffic flow characteristics which have been determined not to cause violations of the national standards for carbon monoxide.

(9) Notwithstanding the provisions relating to modified stationary sources contained in subsection (1) of NR 154.04, the department may condition any approval by reducing the extent to which the facility may be further modified without resubmission for approval under this paragraph.

(10) Any owner or operator who fails to construct a stationary source in accordance with the application as approved by the department; any owner or operator who fails to construct and operate a stationary source in accordance with conditions imposed by the department under subsection (8) of this section; any owner or operator who modifies a stationary source in violation of conditions imposed by the department under subsection (9) of this section; or any owner or operator of a stationary source subject to this section who commences construction or modification thereof after the effective date of these rules, without applying for and receiving approval hereunder, shall be considered in violation of this chapter.

(11) Approval to construct or modify a stationary source other than an airport or a highway section shall become invalid if construction or modification is not commenced within 24 months after the date when written approval was issued by the department. The department may

extend such time period for up to 12 months on written request upon satisfactory showing that an extension is justified.

(12) Approval to construct or modify an airport shall become invalid if construction or modification is not commenced within 4 years after the date when written approval was issued by the department. The department may extend such time period for 2 years on written request.

(13) Approval to construct or modify for a highway project shall become invalid if construction or modification is not commenced within 6 years after the date when written approval was issued by the department. The department may extend such time period for up to 3 years on written request.

(14) Approval to construct or modify shall not relieve any owner or operator of the responsibility to comply with the emission limits of this chapter, the air quality standards of chapter NR 155 or the control strategies of all local, state and federal regulations which are part of the state implementation plan.

(15) The department will delegate review responsibilities for an affected facility which is to be constructed by another agency of the state to such agency if the procedures followed by the agency fulfill all the requirements of this section. Final approval or disapproval shall be the responsibility of the department.

History: Cr. Register, March, 1972, No. 195, eff. 4-1-72; r. and recr. Register, June, 1975, No. 234, eff. 7-1-75.

NR 154.06 Operation and inspection of sources. (1) No person shall deny information or access to records relating to emissions to an authorized representative of the department.

(2) The department may require: Provision for sampling ports, a safe work area for test crews, safe access to the sampling platform, utilities for sampling and testing equipment, stack or performance tests performed by or under the direction of a qualified engineer or person with demonstrated ability in this field, instrumentation to monitor and record emission data, stack or performance tests performed in compliance with emission test guidelines developed by the department and submitted to the tester prior to the conducting of the test, or transfer of the test data sheets or sample collecting media to the department's witness for evaluation.

(a) The department shall be notified 10 days in advance of stack or performance tests to afford the department the opportunity to have a representative present to witness the testing procedures. Said notice shall provide a test plan which includes:

1. A description of the sampling equipment.
2. A description of the processes, operations, and equipment venting to the stack.
3. A description of process or operation variables which affect the air contaminant source's emissions.
4. A cross-sectional sketch showing:
 - a. Stack configuration at the sampling location.