

Chapter NR 408

PERMIT REVIEW AND APPLICATION CRITERIA

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**NR 408.01 Applicability; purpose.** (1) **APPLICABILITY.** This chapter applies to all air contaminant sources which are required under s. 144.391, Stats., to obtain a construction or modification and new operation permit, unless the source is exempt from the requirement to obtain a permit under s. NR 406.04.

(2) **PURPOSE.** This chapter is adopted under ss. 144.31, 144.392 and 144.396, Stats., to establish permit review criteria and permit duration periods for construction or modification and new operation air pollution control permits issued by the department.

**History:** Cr. Register, September, 1986, No. 369, eff. 10-1-86.

**NR 408.02 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 408.025 Action on permit applications.** The department shall act upon permit applications submitted by sources to which this chapter applies in accordance with the procedures set forth in s. 144.392, Stats.

**History:** Cr. Register, September, 1986, No. 369, eff. 10-1-86.

**NR 408.03 Air quality analysis.** The air quality impact of a proposed stationary source will be determined at such locations where members of the public might reasonably be exposed for time periods consistent with the ambient air quality standards for the pollutants for which analysis is carried out.

**History:** Renum. from NR 154.05 (8) and am. Register, September, 1986, No. 369, eff. 10-1-86.

**NR 408.04 Violations.** 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 under s. 144.394, Stats.; any owner or operator who modifies a stationary source in violation of conditions imposed by the department under s. 144.394, Stats.; or any owner or operator of a ~~stationery~~ <sup>sp</sup> source who commences construction or modification thereof without applying for and receiving a permit as required under ch. NR 406 shall be considered in violation of s. 144.391, Stats.

**History:** Renum. from NR 154.05 (11) and am. Register, September, 1986, No. 369, eff. 10-1-86.

**NR 408.05 Permit duration periods.** (1) Approval to construct or modify a stationary source other than an airport or highway section shall become invalid if construction or modification is not commenced within 18

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months after the date when a permit for construction or modification was issued by the department. The department may extend such a time period for up to 18 months on written request upon satisfactory showing that an extension is justified.

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

(3) 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 a permit for construction or modification was issued by the department. The department may extend such time period for up to 3 years on written request upon satisfactory showing that an extension is justified.

**History:** Renum. from NR 154.05 (12), (13) and (14) and am. Register, September, 1986, No. 369, eff. 10-1-86.

**NR 408.06 Duty to comply.** Approval to construct or modify shall not relieve any owner or operator of the responsibility to comply with the emission limits of chs. NR 400 to 499, the air quality standards of ch. NR 404 or the control strategies of all local, state and federal regulations which are part of the state implementation plan.

**History:** Renum. from NR 154.05 (15), Register, September, 1986, No. 369, eff. 10-1-86.