

Chapter NR 445

CONTROL OF HAZARDOUS POLLUTANTS

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**NR 445.01 Applicability; purpose.** (1) **APPLICABILITY.** This chapter applies to all air contaminant sources which may emit hazardous pollutants and to their owners and operators. The emission limitations and control requirements of this chapter do not apply to a source of a hazardous air contaminant regulated under chs. NR 446 to 449 for the specific hazardous air contaminants regulated under those chapters or to a source which must meet a national emission standard for a hazardous air pollutant promulgated under section 112 of the federal clean air act for the specific air pollutant regulated under that standard.

(2) **PURPOSE.** This chapter is adopted under ss. 144.31, 144.375 and 144.38, Stats., to establish emission limitations for hazardous pollutants.

**History:** Cr. Register, September, 1986, No. 369, eff. 10-1-86; am. (1), Register, September, 1988, No. 393, eff. 10-1-88; am. (1), Register, May, 1992, No. 437, eff. 6-1-92.

**NR 445.02 Definitions.** The definitions in this section apply to the terms used in chs. NR 445 to 484. In addition, the definitions in ch. NR 400 apply to the terms used in this chapter.

(1) "Approved material safety data sheet" means a material safety data sheet which meets the reporting requirements of the superfund amendments reauthorization act of 1986 (42 USCS §§ 9671-9675) or the occupational safety and health act of 1970 (29 USCS §§ 660).

(2) "Asbestos" means any of the 6 naturally occurring hydrated mineral silicates: actinolite, amosite, anthophyllite, chrysotile, crocidolite, and temolite.

(3) "Beryllium" means the element beryllium. Where weights or concentrations are specified, such weights or concentrations apply to beryllium only, excluding the weight or concentration of any other elements.

(4) "Best available control technology" means an emission limit for a hazardous air contaminant based on the maximum degree of reduction practically achievable as specified by the department on an individual case-by-case basis taking into account energy, economic and environmental impacts and other costs related to the source.

(5) "Downwash minimization stack height" means a stack height equal to  $(H + 1.5D)$  where H is the height of the structure and D is the lesser of the structure height or structure cross-wind horizontal dimension in the immediate vicinity of the stack.

(6) "Hazardous air contaminant" means any air contaminant for which no ambient air quality standard is set in ch. NR 404 and which the department determines may cause or significantly contribute to an increase in mortality or an increase in serious irreversible or incapacitating

reversible illness, or may pose a significant threat to human health or the environment. The term hazardous air contaminant includes, but is not limited to, the substances listed in Tables 1 to 4 in s. NR 445.04.

(7) "Indoor fugitive emissions" means an air contaminant present in a workplace which is emitted to the ambient air from general ventilation sources.

(8) "Lowest achievable emission rate" means the rate of emission of a hazardous air contaminant which reflects the more stringent of the following:

(a) The most stringent emission limitation for the hazardous air contaminant which is contained in the air pollution regulatory program of any state for this class or category of source, unless an applicant for a permit demonstrates that this limitation is not achievable; or

(b) The most stringent emission limitation for the hazardous air contaminant which is achieved in practice by the class or category of source.

(9) "Mercury" means the element mercury, excluding any other elements, and includes mercury in particulates, vapors, aerosols and compounds.

(9m) "Reference method" means any method of sampling and analyzing for an air pollutant as described in 40 CFR part 61, Appendix B, incorporated by reference in ch. NR 484.

(10) "Refuse derived fuel" means municipal solid waste which has undergone a process to, at a minimum, remove hazardous waste, minimize metals, glass and other non-combustible material; and has been processed for use as a fuel. Refuse derived fuel does not include tires, tire fragments, waste oils, waste solvents, and other material not normally contained in household solid waste.

(11) "Virgin fossil fuel" means any solid, refined liquid or refined gaseous fossil fuel with a BTU content greater than 7,000 BTU/lb which is not blended with reprocessed or recycled fuels. Group 1 virgin fossil fuels consist of natural gas, liquid petroleum gas, distillate fuel oil, gasoline and diesel fuel. Group 2 virgin fossil fuels consist of coal and residual fuel oil.

History: Renum. from NR 154.01 (19), (28e) and (116e), cr. (intro.), Register, September, 1986, No. 369, eff. 10-1-86; renum. (1) to (3) to be (2), (3) and (9), cr. (1), (4) to (8), (10) and (11), Register, September, 1988, No. 393, eff. 10-1-88; (9m) renum. from NR 400.02 (77), Register, December, 1988, No. 396, eff. 1-1-89; am. (9m), Register, May, 1992, No. 437, eff. 6-1-92.

**NR 445.03 General limitations.** No person may cause, allow, or permit emissions into the ambient air of any hazardous substance in such quantity, concentration, or duration as to be injurious to human health, plant or animal life unless the purpose of that emission is for the control of plant or animal life. Hazardous substances include but are not limited to hazardous air contaminants listed in Tables 1 to 4 of s. NR 445.04.

History: Renum. from NR 154.19 (1), Register, September, 1986, No. 369, eff. 10-1-86; am. Register, September, 1988, No. 393, eff. 10-1-88.

**NR 445.04 Emission limits for new or modified sources.** (1) TABLE 1 SUBSTANCES. Except as provided in par. (c) or s. NR 406.07 (2), no owner or operator of a stationary source on which construction or Register, May, 1992, No. 437