

(c) The owner or operator shall provide for the department's approval the rationale for selecting the monitoring parameters necessary to comply with subs. (6) and (9) and shall provide for the administrator's approval the rationale for selecting the monitoring parameters necessary to comply with sub. (13).

(d) Provide for the department's approval the rationale for the selected operating parameter value, and monitoring frequency, and averaging time. Include all data and calculations used to develop the value and a description of why the value, monitoring frequency and averaging time demonstrate continuous compliance with the applicable emission standard.

(15) Each owner or operator of a control device subject to the monitoring provisions of this section shall operate the control device in a manner consistent with the minimum or maximum, as appropriate, operating parameter value or procedure required to be monitored under subs. (1) to (14) and established under this chapter. Except as provided in sub. (16), s. NR 464.03(5) or 464.06(7), operation of the control device below minimum operating parameter values or above maximum operating parameter values established under this chapter or failure to perform procedures required by this chapter shall constitute a violation of the applicable emission standard of this chapter and be reported as a period of excess emissions.

(16) The procedures of this paragraph apply to each owner or operator of an open biological treatment system complying with sub. (10) whenever a monitoring parameter excursion occurs, and the owner or operator chooses to conduct a performance test to demonstrate compliance with the applicable emission limit. A monitoring parameter excursion occurs whenever the monitoring parameters specified in sub. (10)(a)1. to 3. or any of the monitoring parameters specified in sub. (10)(c) are below minimum operating parameter values or above maximum operating parameter values established in sub. (14).

(a) As soon as practical after the beginning of the monitoring parameter excursion, the following requirements shall be met:

1. Before the steps in subd. 2. or 3. are performed, all sampling and measurements necessary to meet the requirements in par. (b) shall be conducted.

2. Steps shall be taken to repair or adjust the operation of the process to end the parameter excursion period.

3. Steps shall be taken to minimize total HAP emissions to the atmosphere during the parameter excursion period.

(b) A parameter excursion is not a violation of the applicable emission standard if the results of the performance test conducted using the procedures in this paragraph demonstrate compliance with the applicable emission limit in s. NR 464.06(5)(b).

1. Conduct a performance test as specified in 40 CFR 63.457 using the monitoring data specified in sub. (10)(a) to (c) that coincides with the time of the parameter excursion. No maintenance or changes shall be made to the open biological treatment system after the beginning of a parameter excursion that would influence the results of the performance test.

2. If the results of the performance test specified in subd. 1. demonstrate compliance with the applicable emission limit in s. NR 464.06(5)(b), then the parameter excursion is not a violation of the applicable emission limit.

3. If the results of the performance test specified in subd. 1. do not demonstrate compliance with the applicable emission limit in s. NR 464.06(5)(b) because the total HAP mass entering the open biological treatment system is below the level needed to demonstrate compliance with the applicable emission limit in s. NR 464.06(5)(b), then the owner or operator shall perform the following comparisons:

a. If the value of f_{bio} (MeOH) determined during the performance test specified in subd. 1. is within the range of values established during the initial and subsequent performance tests approved by the department, then the parameter excursion is not a violation of the applicable standard.

b. If the value of f_{bio} (MeOH) determined during the performance test specified in subd. 1. is not within the range of values established during the initial and subsequent performance tests approved by the department, then the parameter excursion is a violation of the applicable standard.

4. The results of the performance test specified in subd. 1. shall be recorded as specified in s. NR 464.10(6).

(c) If an owner or operator determines that performing the required procedures under par. (b) for a nonthoroughly mixed open biological system would expose a worker to dangerous, hazardous or otherwise unsafe conditions, all of the following procedures shall be performed:

1. Calculate the mass removal or percent reduction value using the procedures specified in 40 CFR 63.457(l) except the value for f_{bio} (MeOH) shall be determined using the procedures in Appendix E of 40 CFR part 63, incorporated by reference in s. NR 484.04(25r).

2. Repeat the procedures in subd. 1. for every day until the unsafe conditions have passed.

3. A parameter excursion is a violation of the standard if the percent reduction or mass removal determined in subd. 1. is less than the percent reduction or mass removal standards specified in s. NR 464.06(5)(b), as appropriate, unless the value of f_{bio} (MeOH) determined using the procedures in 40 CFR part 63 Appendix E, as specified in subd. 1., is within the range of f_{bio} (MeOH) values established during the initial and subsequent performance tests previously approved by the department.

4. The determination that there is a condition that exposes a worker to dangerous, hazardous or otherwise unsafe conditions shall be documented according to requirements in s. NR 464.10(5) and reporting in s. NR 464.11(6).

5. The requirements of pars. (a) and (b) shall be performed and met as soon as practical but no later than 24 hours after the conditions have passed that exposed a worker to dangerous, hazardous or otherwise unsafe conditions.

NR 464.10 Recordkeeping requirements. (1) The owner or operator of each affected source subject to the requirements of this chapter shall comply with the applicable recordkeeping requirements of ch. NR 460 and the requirements specified in subs. (2) to (6) for the monitoring parameters specified in s. NR 464.09.

(2) For each applicable enclosure opening, closed-vent system and closed collection system, the owner or operator shall prepare and maintain a site-specific inspection plan, including a drawing or schematic of the components of applicable affected equipment, and shall record all of the following information for each inspection:

- (a) Date of inspection.
- (b) The equipment type and identification.
- (c) Results of negative pressure tests for enclosures.
- (d) Results of leak detection tests.
- (e) The nature of the defect or leak and the method of detection, that is, visual inspection or instrument detection.
- (f) The date the defect or leak was detected and the date of each attempt to repair the defect or leak.
- (g) Repair methods applied in each attempt to repair the defect or leak.
- (h) The reason for the delay if the defect or leak is not repaired within 15 days after discovery.
- (i) The expected date of successful repair of the defect or leak if the repair is not completed within 15 days.
- (j) The date of successful repair of the defect or leak.
- (k) The position and duration of opening of bypass line valves and the condition of any valve seals.
- (l) The duration of the use of bypass valves on computer controlled valves.

(3) The owner or operator of a bleaching system complying with s. NR 464.01(1)(e)2. shall record the daily average chlorine and hypochlorite application rates, in kg of bleaching agent per megagram of ODP, of the bleaching system until the requirements specified in s. NR 464.01(1)(e)1. are met.

(4) The owner or operator shall record the CMS parameters specified in s. NR 464.09 and meet the requirements specified in sub. (1) for any new affected process equipment or pulping process condensate stream that becomes subject to the standards in this chapter due to a process change or modification.

(5) The owner or operator of an open nonthoroughly mixed biological treatment system complying with s. NR 464.09(16)(c) instead of s. NR 464.09(16)(b) shall prepare a written record identifying the specific conditions that would expose a worker to dangerous, hazardous or otherwise unsafe conditions. The record shall include a written explanation of the specific reason or reasons why a worker would not be able to perform the sampling and test procedures specified in 40 CFR 63.457(l).

(6) The owner or operator of an open biological treatment system complying with s. NR 464.09(16) shall prepare a written record specifying the results of the performance test specified in s. NR 464.09(16)(b).

NR 464.11 Reporting requirements. (1) Each owner or operator of a source subject to this chapter shall comply with the reporting requirements of ch. NR 460 as specified in Appendix S of ch. NR 460 and all the following requirements in this section. The initial notification report specified in s. NR 460.08(2)(b) shall have been submitted by April 15, 1999 for existing sources.

(2) Each owner or operator of a kraft pulping system specified in s. NR 464.01(1)(d)1. or a bleaching system specified in s. NR 464.01(1)(e)1. to 3. shall submit, with the initial notification report specified in s. NR 460.08(2)(b) and sub. (1) and update every 2 years thereafter, a non-binding control strategy report containing, at a minimum, the information specified in pars. (a) to (c) in addition to the information required in s. NR 460.08(2)(b):

(a) A description of the emission controls or process modifications selected for compliance with the control requirements in this standard.

(b) A compliance schedule, including the dates by which each step toward compliance will be reached for each emission point or sets of emission points. At a minimum, the list of dates shall include all of the following:

1. The date by which the major study or studies for determining the compliance strategy will be completed.
2. The date by which contracts for emission controls or process modifications will be awarded, or the date by which orders will be issued for the purchase of major components to accomplish emission controls or process changes.
3. The date by which on-site construction, installation of emission control equipment or a process change is to be initiated.
4. The date by which on-site construction, installation of emissions control equipment or a process change is to be completed.
5. The date by which final compliance is to be achieved.
6. For compliance with s. NR 464.01(1)(e)1. to 3., the tentative dates by which compliance is to be achieved with effluent limitation guidelines and standards for intermediate pollutant load effluent reductions, and, as available, all the dates for the best available technology's milestones reported in the national pollutant discharge elimination system authorized under section 402 of the clean water act (33 USC 1342) and for the best professional milestones in the voluntary advanced technology incentives program under 40 CFR 430.24(b)(2).
7. The date by which the final compliance tests shall be performed.

(c) Until compliance is achieved, revisions or updates shall be made to the control strategy report required by this subsection indicating the progress made towards completing the installation of the emission controls or process modifications during the 2-year period.

(3) The owner or operator of each bleaching system complying with s. NR 464.01(1)(e)2. shall certify in the report specified under s. NR 460.09(5)(c) that the daily application rates of chlorine and hypochlorite for that bleaching system have not increased as specified in s. NR 464.01(1)(e)2. until the requirements of s. NR 464.01(1)(e)1. are met.

(4) The owner or operator shall meet the requirements specified in sub. (1) upon startup of any new affected process equipment or pulping process condensate stream that becomes subject to the standards of this chapter due to a process change or modification.

(5) If the owner or operator uses the results of the performance test required in s. NR 464.09(16)(b) to revise the approved values or ranges of the monitoring parameters specified in s. NR 464.09 (10)(a) to (c), the owner or operator shall submit an initial notification of the subsequent performance test to the department as soon as practicable, but no later than 15 days, before the performance test required in s. NR 464.09(16)(b) is scheduled to be conducted. The owner or operator shall notify the department as soon as practicable, but no later than 24 hours, before the performance test is scheduled to be conducted to confirm the exact date and time of the performance test.

(6) To comply with the open biological treatment system monitoring provisions of s. NR 464.09(16)(c), the owner or operator shall notify the department as soon as practicable of the onset of the dangerous, hazardous or otherwise unsafe conditions that did not allow a compliance determination to be conducted using the sampling and test procedures in 40 CFR 63.457(l). The notification shall occur no later than 24 hours after the onset of the dangerous, hazardous or otherwise unsafe conditions and shall include the specific reason or reasons that the sampling and test procedures in 40 CFR 63.457(l) could not be performed.

SECTION 29. NR 484.03(intro.) is amended to read:

NR 484.03 Code of federal regulations. (intro.) The federal regulations in effect on July 1, 1998 the effective date of this section ... [revisor inserts date] listed in the first column of Table 1 are incorporated by reference for the corresponding sections of chs. NR 400 to 439 and 445 to 499 in the third column of Table 1.

SECTION 30. NR 484.03(6) in table 1 is created to read:

CFR Reference	Title	Incorporated by Reference For
NR 484.03 (6) 40 CFR 63.457	Test methods and procedures	NR 464

SECTION 31. NR 484.04(intro.) and (9) in table 2 are amended to read:

NR 484.04 Code of federal regulations appendices. (intro.) The appendices to federal regulations in effect on July 1, 1998 the effective date of this section ... [revisor inserts date] listed in the first column of Table 2 are incorporated by reference for the corresponding sections of chs. NR 400 to 439 and 445 to 499 or code of federal regulations appendix method listed in the third column of Table 2. Since some of these materials are incorporated by reference for another appendix of the code of federal regulations and the other appendix is also incorporated by reference in this section, the materials listed in this section which are incorporated by reference for the other appendix are hereby also incorporated by reference and made a part of this chapter.

CFR Appendix Referenced	Title	Incorporated by Reference For
NR 484.04 (9) 40 CFR part 51 Appendix M	Recommended Test Methods for State Implementation Plans	NR 439 NR 460.06(4)(b)(intro.) NR 465.09(4) (b)1. and 2. NR 466.09(5)

SECTION 32. NR 484.04(25g) and (25r) in table 2 are created to read:

CFR Appendix Referenced	Title	Incorporated by Reference For
NR 484.04	Determination of the Fraction	40 CFR 63.457(l)
(25g) 40 CFR part 63 Appendix C	Biodegraded (F_{bio}) in a Biological Treatment Unit	NR 464.09(10)(b)
(25r) 40 CFR part 63 Appendix E	Monitoring Procedure for Nonthoroughly Mixed Open Biological Treatment Systems at Kraft Pulp Mills Under Unsafe Sampling Conditions	NR 464.09(16)(c)

SECTION 33. NR 484.10(intro.), (3), (5), (14) to (17), (20), (22), (25) and (26) in table 5 are amended to read:

NR 484.10 American society for testing and materials. (intro.) The American society for testing and materials (ASTM) standards listed in the first column of Table 5 are incorporated by reference for the corresponding sections of chs. NR 400 to 439 and 445 to 499 in the third column of Table 5. Some of the standards are also incorporated for Appendix A or B of 40 CFR part 60, Appendix B of 40 CFR part 61 or Appendix A, D, E, F or G of 40 CFR part 75 as in effect on July 1, 1998 the effective date of this section ... [revisor inserts date]. Since these Appendices are incorporated by reference in s. NR 484.04, standards listed in this section which are incorporated by reference for the Appendices are hereby also incorporated by reference and made a part of this chapter and chs. NR 400 to 439 and 445 to 499.

Standard Number	Standard Title	Incorporated by Reference For
(3) ASTM D129-95 <u>D129-00</u>	Standard Test Method for Sulfur in Petroleum Products (General Bomb Method)	40 CFR part 60 Appendix A, Method 19 40 CFR part 75 Appendices A and D NR 439.08(2)(b)
(5) ASTM D287-92 (1995) (2000)	Standard Test Method for API Gravity of Crude Petroleum and Petroleum Products (Hydrometer Method)	40 CFR part 75 Appendix D
(14) ASTM D1037-96a <u>D1037-99</u>	Standard Test Methods for Evaluating Properties of Wood-Base Fiber and Particle Panel Materials	ANSI/AHA A135.5-1988

- | | | | |
|------|--|--|--|
| (15) | ASTM
D1072-90
(1994) (1999) | Standard Test Method for Total Sulfur in Fuel Gases | 40 CFR part 75 Appendix D |
| (16) | ASTM
D1193-91
D1193-99 | Standard Specification for Reagent Water | 40 CFR part 60 Appendix A:
Method 5F, par. 3.1
Method 5H, par. 3.1.3
Method 6, par. 3.1.1
Method 7, par. 3.2.2
Method 7A, par. 3.2
Method 7C, par. 3.1.1
Method 7D, par. 3.1.1
Method 8, par. 3.1.3
Method 11, par. 6.1.3
Method 12, par. 4.1.3
Method 13A, par. 6.1.2
Method 14A, par. 7.1
Method 25D, par. 3.2.2.4
Method 26, par. 3.1.1
Method 26A, par. 3.1.1
Method 29, pars. 4.2.2, 4.4.2 and 4.5.6
40 CFR part 61 Appendix B, Method 101, par. 6.1.1 |
| (17) | ASTM
D1217-93
(1998) | Standard Test Method for Density and Relative Density (Specific Gravity) of Liquids by Bingham Pycnometer | 40 CFR part 75 Appendix D |
| (20) | ASTM
D1298-85
(1990)
D1298-99 | Standard Practice for Density, Relative Density (Specific Gravity), or API Gravity of Crude Petroleum and Liquid Petroleum Products by Hydrometer Method | 40 CFR part 75 Appendix D |
| (22) | ASTM
D1475-96
D1475-98 | Standard Test Method for Density of Liquid Coatings, Inks, and Related Products | 40 CFR part 60 Appendix A:
Method 24, par. 2.1
Method 24A, par. 2.2
Method 24A, par. 2.3 |
| (25) | ASTM
D1552-95
D1552-00 | Standard Test Method for Sulfur in Petroleum Products (High-Temperature Method) | 40 CFR part 75 Appendices A and D
NR 439.08(2)(b) |
| (26) | ASTM
D1826-94
(1998) | Standard Test Method for Calorific Value of Gases in Natural Gas Range by Continuous Recording Calorimeter | 40 CFR part 60 Appendix A, Method 19
40 CFR part 75 Appendices E and F
NR 400.02(79) |

SECTION 34. NR 484.10(29) is renumbered 484.10(55g) and amended to read:

Standard Number	Standard Title	Incorporated by Reference For
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NR 484.10
 (55g) ASTM ~~D1989-96~~ Standard Test Method for Gross Calorific Value of Coal and Coke by ~~Microprocessor~~ ~~Controlled-Isoperibol Calorimeters~~ NR 439.08(1)(d)
D5865-00

SECTION 35. NR 484.10(30), (31), (33), (36), (41), (42), (43), (47), (48), (51), (52), (53), (55) and (56) in table 5 are amended to read:

Standard Number	Standard Title	Incorporated by Reference For
(30) ASTM D2013-86 (1994) <u>D2013-00ae1</u>	Standard Method of Preparing Coal Samples for Analysis	40 CFR part 60 Appendix A, Method 19 40 CFR part 75 Appendix F NR 439.08(1)(b)
(31) ASTM D2015-96	Standard Test Method for Gross Calorific Value of Coal and Coke by the Adiabatic Bomb Calorimeter	40 CFR part 60 Appendix A, Method 19 40 CFR part 75 Appendices A, D, E and F NR 400.02(79) NR 439.08(1)(d)
(33) ASTM D2234-98 <u>D2234-00</u>	Standard Practice for Collection of a Gross Sample of Coal	40 CFR part 60 Appendix A, Method 19 40 CFR part 75 Appendix F NR 439.08(1)(a) NR 439.085(2)(a)1. NR 439.085(2)(b)1. NR 439.085(2)(c)1.
(36) ASTM D2486-96 <u>D2486-00</u>	Standard Test Method for Scrub Resistance of Wall Paints	ANSI/AHA A135.5-1988
(41) ASTM D2986-95a (1999)	Standard Practice for Evaluation of Air Assay Media by the Monodisperse DOP (Diocetyl Phthalate) Smoke Test	40 CFR part 60 Appendix A: Method 5, par. 3.1.1 Method 12, par. 4.1.1 Method 13A, par. 6.1.1.2 Method 17, par. 3.1.1
(42) ASTM D3173-87 (1996) <u>D3173-00</u>	Standard Test Method for Moisture in the Analysis Sample of Coal and Coke	40 CFR part 60 Appendix A, Method 19 NR 439.08(1)(f)
(43) ASTM D3174-93 <u>D3174-00</u>	Standard Test Method for Ash in the Analysis Sample of Coal and Coke from Coal	40 CFR part 75 Appendix G NR 439.08(1)(e)

(47)	ASTM D3238-95 (2000)	Standard Test Method for Calculation of Carbon Distribution and Structural Group Analysis of Petroleum Oils by the n-d-M Method	40 CFR part 75 Appendix G
(48)	ASTM D3792-98 D3792-99	Standard Test Method for Water Content of Water-Reducible Paints by Direct Injection into a Gas Chromatograph	40 CFR part 60 Appendix A, Method 24, par. 2.3
(51)	ASTM D4057-95 (2000)	Standard Practice for Manual Sampling of Petroleum and Petroleum Products	40 CFR part 75 Appendix D NR 439.08(2)(a)
(52)	ASTM D4177-95 (2000)	Standard Practice for Automatic Sampling of Petroleum and Petroleum Products	40 CFR part 75 Appendix D NR 439.08(2)(a)
(53)	ASTM D4239-94 D4239-00	Standard Test Methods for Sulfur in the Analysis Sample of Coal and Coke Using High Temperature Tube Furnace Combustion Methods	40 CFR part 60 Appendix A, Method 19 40 CFR part 75 Appendix A NR 439.08(1)(c)
(55)	ASTM D4809-95 D4809-00	Standard Test Method for Heat of Combustion of Liquid Hydrocarbon Fuels by Bomb Calorimeter (Intermediate-Precision Method)	40 CFR part 75 Appendices D, E and F NR 460.10(2)(f)
(56)	ASTM E84-97a E84-01	Standard Test Method for Surface Burning Characteristics of Building Materials	ANSI/AHA A135.5-1988

SECTION 36. NR 484.11(intro.) is amended to read:

NR 484.11 Other private organizations. (intro.) The following materials from other private organizations listed in the first column of Tables 6A to 6J are incorporated by reference for the corresponding sections of chs. NR 400 to 439 and 445 to 499 listed in the third column of Tables 6A to 6J. A test method is also incorporated for 40 CFR 63.457 as in effect on the effective date of this section ... [revisor inserts date]. Since that CFR section is incorporated by reference in s. NR 484.03(6), the test method listed in this section which is incorporated by reference for it is hereby also incorporated by reference and made part of this chapter and chs. NR 400 to 439 and 445 to 499.

SECTION 37. NR 484.11(9) is created to read:

NR 484.11(9) The following is a document from the National Council of the Paper Industry for Air and Stream Improvement, Inc. (NCASI):

Note: Copies may be obtained for personal use from:

National Council of the Paper Industry for Air and Stream Improvement, Inc.

PO Box 13318

Research Triangle Park NC 27709-3318

<http://www.ncasi.org>

(919) 558-1987

Table 6I
NCASI Document Reference

Document Number	Title	Incorporated by Reference For
NCASI Method DI/MEOH-94.02	Methanol in Process Liquids by GC/FID, August 1998, Methods Manual	40 CFR 63.457 (c)(3)(ii)

The foregoing rule was approved and adopted by the State of Wisconsin Natural Resources Board on October 24, 2001.

The rule shall take effect the first day of the month following publication in the Wisconsin administrative register as provided in s. 227.22(2)(intro.), Stats.

Dated at Madison, Wisconsin _____.

STATE OF WISCONSIN
DEPARTMENT OF NATURAL RESOURCES

By _____
Darrell Bazzell, Secretary

(SEAL)

Fiscal Estimate — 1999 Session

- Original Updated
 Corrected Supplemental

LRB Number AM-38-00	Amendment Number if Applicable
Bill Number	Administrative Rule Number

Subject

NRB Order AM-38-00 proposing promulgation of the Federal MACT Standard for pulp and paper mills

Fiscal Effect

State: No State Fiscal Effect

Check columns below only if bill makes a direct appropriation or affects a sum sufficient appropriation.

- Increase Existing Appropriation Increase Existing Revenues
 Decrease Existing Appropriation Decrease Existing Revenues
 Create New Appropriation

Increase Costs — May be possible to absorb within agency's budget.
 Yes No

Decrease Costs

Local: No Local Government Costs

1. Increase Costs
 Permissive Mandatory
 Decrease Costs
 Permissive Mandatory

3. Increase Revenues
 Permissive Mandatory
 Decrease Revenues
 Permissive Mandatory

5. Types of Local Governmental Units Affected:
 Towns Villages Cities
 Counties Others
 School Districts WTCS Districts

Fund Sources Affected

- GPR FED PRO PRS SEG SEG-S

Affected Chapter 20 Appropriations
 None

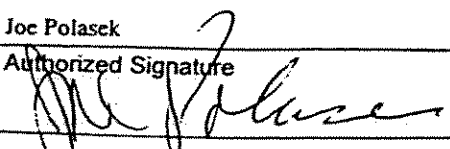
Assumptions Used in Arriving at Fiscal Estimate

SUMMARY OF RULE - The proposed rule promulgates the existing Federal MACT Standard for pulp and paper mills into the Wis. Adm. Code

FISCAL IMPACT - No fiscal impact is anticipated as implementation of the Rule will be accomplished with present staff using existing resources.

Long-Range Fiscal Implications

None

Prepared By: Joe Polasck	Telephone No. (608) 266-2794	Agency DNR
Authorized Signature 	Telephone No. 6-27-94	Date (mm/dd/ccyy) 10/02/2000

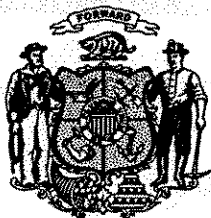
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CLEARINGHOUSE REPORT TO AGENCY

[THIS REPORT HAS BEEN PREPARED PURSUANT TO S. 227.15, STATS. THIS IS A REPORT ON A RULE AS ORIGINALLY PROPOSED BY THE AGENCY; THE REPORT MAY NOT REFLECT THE FINAL CONTENT OF THE RULE IN FINAL DRAFT FORM AS IT WILL BE SUBMITTED TO THE LEGISLATURE. THIS REPORT CONSTITUTES A REVIEW OF, BUT NOT APPROVAL OR DISAPPROVAL OF, THE SUBSTANTIVE CONTENT AND TECHNICAL ACCURACY OF THE RULE.]

CLEARINGHOUSE RULE 00-175

AN ORDER to repeal NR 460.08 (2) (d) 4. and 460.09 (5) (c) 1. c.; to renumber and amend NR 460.06 (4) (b) 3. and 4. and 484.10 (29); to amend NR 439.08 (1) (a) to (g) and (2) (b), 439.085 (2) (a) 1., (b) 1. and (c) 1., 460.01 (1) (e) (intro.) and (2) Note, 460.02 (intro.), (5) and (22), 460.06 (4) (b) (intro.), 1. and 2. and (5) (a), (b) 3. and (c), 460.07 (6) (a) (intro.) and (c) 1. and (7) (e), 460.09 (2) (b) 7. and (6) (a), (b), (c) and (d) (intro.), 460.10 (2) (h), 484.03 (intro.), 484.04 (intro.) and (9), 484.10 (intro.), (3), (4), (5), (14) to (17), (20), (22), (23), (26), (30), (31), (33), (36), (38), (39m), (41), (43) to (48), (51), (52), (53), (55) and (56) and 484.11 (intro.); to repeal and recreate NR 460.10 (2) (f); and to create NR 460.02 (22g), (22r), (23e), (23m), (23s), (24e), (24m) and (24s), 460.06 (4) (b) 3. and (5) (a) Note and (b) 4., 460.07 (6) (a) (intro.) Note, 460.09 (2) (b) 7. a. to c. and (6) (a) Note, NR 460 Appendix S, chapter NR 464, NR 484.03 (6) and 484.11 (9), relating to hazardous air pollutant emissions from pulp and paper mills.

Submitted by **DEPARTMENT OF NATURAL RESOURCES**

12-08-00 RECEIVED BY LEGISLATIVE COUNCIL.
01-05-01 REPORT SENT TO AGENCY.

RS:DLL:tlu;rv

LEGISLATIVE COUNCIL RULES CLEARINGHOUSE REPORT

This rule has been reviewed by the Rules Clearinghouse. Based on that review, comments are reported as noted below:

1. STATUTORY AUTHORITY [s. 227.15 (2) (a)]

Comment Attached YES NO

2. FORM, STYLE AND PLACEMENT IN ADMINISTRATIVE CODE [s. 227.15 (2) (c)]

Comment Attached YES NO

3. CONFLICT WITH OR DUPLICATION OF EXISTING RULES [s. 227.15 (2) (d)]

Comment Attached YES NO

4. ADEQUACY OF REFERENCES TO RELATED STATUTES, RULES AND FORMS [s. 227.15 (2) (e)]

Comment Attached YES NO

5. CLARITY, GRAMMAR, PUNCTUATION AND USE OF PLAIN LANGUAGE [s. 227.15 (2) (f)]

Comment Attached YES NO

6. POTENTIAL CONFLICTS WITH, AND COMPARABILITY TO, RELATED FEDERAL REGULATIONS [s. 227.15 (2) (g)]

Comment Attached YES NO

7. COMPLIANCE WITH PERMIT ACTION DEADLINE REQUIREMENTS [s. 227.15 (2) (h)]

Comment Attached YES NO

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CLEARINGHOUSE RULE 00-175

Comments

[NOTE: All citations to "Manual" in the comments below are to the Administrative Rules Procedures Manual, prepared by the Revisor of Statutes Bureau and the Legislative Council Staff, dated September 1998.]

2. Form, Style and Placement in Administrative Code

- a. SECTION 19 attempts to change s. NR 460.09 (2) (b) 7. to an introductory paragraph by means of an amendment. This should be accomplished by a renumbering and amendment.
- b. New s. NR 460.09 (2) (b) 7. c. contains a cross-reference to "subd. 7. (intro.)." Would this cross-reference be more accurate as a reference to "this subdivision"?
- c. When a defined term is used, it is unnecessary to follow the defined term by a cross-reference to the definition of that term. See s. NR 464.01 (1) (a) in which "major source" is used.
- d. In s. NR 464.03 (1) (a) 2. (intro.), "subd. 2. a. or b." and "subd. 2. c." should replace the references to subparagraphs. [See s. 1.07 (2), Manual.] Also see s. NR 464.09 (10) (b) 2. b.
- e. The amendment in SECTION 30 should precede SECTION 29. A reference to "table 1" should be included in the treatment clause of SECTION 29, "table 2" should be referenced in the treatment clause of SECTION 31 and "table 5" should be referenced in the treatment clause of SECTION 32.

4. Adequacy of References to Related Statutes, Rules and Forms

Is s. 227.14 (1m), Stats., being used by the department as authority for the format of the rule? If so, that statute should be cited under "Authorizing statutes" in the analysis.

5. Clarity, Grammar, Punctuation and Use of Plain Language

- a. In s. NR 460.02 (22r) (c), are the quotation marks intentional?
- b. "Ton" is used in s. NR 464.04 (3) (b) 1. "Ton" can describe various units of weight, and does not appear to be defined in the air pollution rules. Does this term need a definition?
- c. Section NR 464.07 authorizes an alternative method of controlling emissions, but provides in the same sentence that the owner or operator "shall" demonstrate that certain requirements are met. If this is an alternative that is optional with the owner or operator, should "may" be substituted for "shall"? This comment applies at several other places in the proposed rule. "May" is used in connection with an alternative requirement in s. NR 464.07 (6).
- d. In s. NR 464.09 (1), one occurrence of "as defined" should be deleted.
- e. A reporting requirement with a deadline of April 16, 1999 is established in s. NR 464.11 (1). Is this a new requirement, or does it restate a requirement that previously existed? If this is a previously established requirement, it would be more appropriate to restate it as a cross-reference to the rule that establishes the reporting requirement, or to add a note that describes the initial reporting requirement.