

BEFORE THE
DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PUBLIC HEARINGS
AM-34-07

NOTICE IS HEREBY GIVEN that pursuant to ss. 227.11(2)(a) and 285.11(1) and (16), Stats., interpreting ss. 227.11(2)(a), 227.14(1m)(b), 285.11(1) and (16), Stats., the Department of Natural Resources will hold public hearings on revisions to chs. NR 405, 407, 408 and 484, Wisconsin Administrative code, relating to major source definition and affecting small business. The State Implementation Plan developed under s. 285.11(6), Stats., is revised.

The proposed rules will amend the definition of "major stationary source" in s. NR 405.02(22)(a), such that ethanol production facilities that produce ethanol by natural fermentation are not included in the Chemical Processing Plant category of the North American Industry Classification System. The other changes are to ss. NR 405.07(4)(a)20., 407.02(4)(b) and 408.02(21)(e), which will state that fugitive emissions from these ethanol production facilities will no longer be included in determining whether a facility is considered a major source. This rule package is initiated because of similar federal rule changes published May 1, 2007.

In addition, a federal rule clarifying two elements of the major source permitting program was promulgated on January 6, 2004. The first is the additional of a definition of replacement unit and the second clarifies a component of the emission calculation used when determining emissions under a plantwide applicability limitation (PAL). U.S. EPA has required permitting agencies to add these elements during the next reopening of the permit program regulations.

NOTICE IS HEREBY FURTHER GIVEN that pursuant to s. 227.114, Stats., it is not anticipated that the proposed rule will have an economic impact on small businesses. The Department's Small Business Regulatory Coordinator may be contacted at SmallBusiness@dnr.state.wi.us or by calling (608) 266-1959.

NOTICE IS HEREBY FURTHER GIVEN that the Department has made a preliminary determination that this action does not involve significant adverse environmental effects and does not need an environmental analysis under ch. NR 150, Wis. Adm. Code. However, based on the comments received, the Department may prepare an environmental analysis before proceeding with the proposal. This environmental review document would summarize the Department's consideration of the impacts of the proposal and reasonable alternatives.

NOTICE IS HEREBY FURTHER GIVEN that the hearings will be held on:

December 18, 2007 Conference Room 124A and B, State Office Building, 1681 Second Avenue South,
Tuesday Wisconsin Rapids at 1:00 p.m.

December 19, 2007 Room 413, GEF #2 State Office Building, 101 S. Webster Street, Madison
Wednesday at 1:00 p.m.

NOTICE IS HEREBY FURTHER GIVEN that pursuant to the Americans with Disabilities Act, reasonable accommodations, including the provision of information material in an alternative format, will be provided for qualified individuals with disabilities upon request. Please call Robert Eckdale at (608) 266-2856 or by e-mail at Robert.Eckdale@wisconsin.gov with specific information on your request at least 10 days before the date of the scheduled hearing.

The proposed rule and supporting documents, including the fiscal estimate may be viewed and downloaded and comments electronically submitted at the following Internet site:
<http://adminrules.wisconsin.gov>. (Search this Web site using the Natural Resources Board Order No.

AM-34-07. Written comments on the proposed rule may be submitted via U.S. mail to Mr. Paul Yeung, Bureau of Air Management, P.O. Box 7921, Madison, WI 53707 or by e-mail to Paul.Yeung@wisconsin.gov. Comments may be submitted until December 21, 2007. Written comments whether submitted electronically or by U.S. mail will have the same weight and effect as oral statements presented at the public hearings. If you do not have Internet access, a personal copy of the proposed rule and supporting documents, including the fiscal estimate may be obtained from Robert Eckdale, Bureau of Air Management, P.O. Box 7921, Madison, WI 53707 or by calling (608) 266-2856.

Dated at Madison, Wisconsin _____

STATE OF WISCONSIN
DEPARTMENT OF NATURAL RESOURCES

By _____
Matthew J. Frank, Secretary