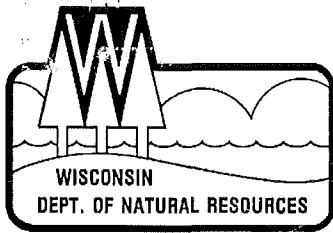


CR 95-27



George E. Meyer  
Secretary

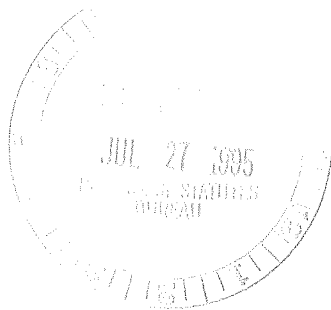
**State of Wisconsin \ DEPARTMENT OF NATURAL RESOURCES**

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STATE OF WISCONSIN )  
 )  
DEPARTMENT OF NATURAL RESOURCES ) SS

TO ALL TO WHOM THESE PRESENTS SHALL COME, GREETINGS:

I, George E. Meyer, Secretary of the Department of Natural Resources and custodian of the official records of said Department, do hereby certify that the annexed copy of Natural Resources Board Order No. AM-6-95 was duly approved and adopted by this Department on May 25, 1995. I further certify that said copy has been compared by me with the original on file in this Department and that the same is a true copy thereof, and of the whole of such original.



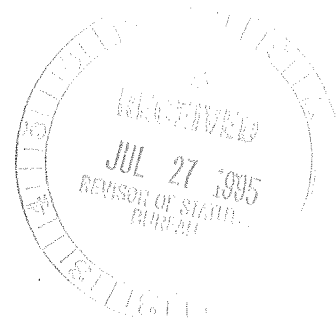
IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the official seal of the Department at the Natural Resources Building in the City of Madison, this 19th day of July, 1995.

*George E. Meyer*  
George E. Meyer, Secretary

(SEAL)



ORDER OF THE STATE OF WISCONSIN  
NATURAL RESOURCES BOARD  
CREATING RULES



The Wisconsin Natural Resources Board adopts an order to create NR 468.30, relating to emission standards for hazardous air pollutants generated from industrial process cooling towers.

AM-6-95

Analysis Prepared by the Department of Natural Resources

Authorizing statutes: ss. 144.31(1)(a), 144.375(5) and 227.11(2)(a), Stats.

Statutes interpreted: s. 144.375(5), Stats.

The federal standard that regulates hazardous air pollutant emissions from industrial process cooling towers became effective on September 8, 1994. That standard is one of the approximately 174 maximum achievable control technology (MACT) standards that the US Environmental Protection Agency expects to promulgate by November 2000.

This rule is being proposed because the Department is required under s. 144.375(5), Stats., to promulgate by rule the federal emission standards for hazardous air pollutants. This order would establish the federal standard for industrial process cooling towers in s. NR 468.30, Wis. Adm. Code.

The standard applies to all new and existing industrial process cooling towers that are operated with chromium-based water treatment chemicals on or after September 8, 1994, and are either major sources or are integral parts of facilities that are major sources.

Cooling towers are devices that are used to remove heat from a cooling fluid, typically water, by contacting the fluid with air. Industrial process cooling towers include cooling towers that are used to remove heat that is produced as an input or output of chemical or industrial processes, as well as cooling towers that cool chemical or industrial processes in combination with heating, ventilation and air conditioning (HVAC) systems.

Consistent with the federal standard, this proposed rule does not affect cooling towers that are used solely to cool HVAC systems. Those cooling towers are regulated by section 40 CFR 749.68., which was issued on January 3, 1990 under section 6 of the Toxic Substances Control Act (55 FR 222).

Section NR 468.30 is being proposed under the requirements of and is similar to the federal regulations contained in 40 CFR 63.400 to 63.406. The format of those federal regulations was used as allowed under s. 227.14(1m)(b), Stats. The proposed rule below differs from the federal regulation. The proposed rule does not include 63.404, combines 63.405 and 63.406 into a single subsection, and adds s. NR 468.30(4)(c).

SECTION 1. In NR 468 as created by Clearinghouse Rule 94-51, NR 468.30 is created to read:

NR 468.30 INDUSTRIAL PROCESS COOLING TOWERS. (1) APPLICABILITY. The provisions of this section apply to the owners and operators of all new and existing industrial process cooling towers that are operated with chromium-based water treatment chemicals on or after September 8, 1994, and are either major sources or are integral parts of facilities that are major sources.

(2) DEFINITIONS. As used in this section, terms not defined in this subsection have the meanings given in ch. NR 400. In addition, the following definitions apply to the terms used in this section:

(a) "Chromium-based water treatment chemicals" means any combination of chemical substances containing chromium used to treat water.

(b) "Construction" means the onsite fabrication, erection or installation of an industrial process cooling tower.

(c) "Cooling tower" means an open water recirculating device that uses fans or natural draft to draw or force air through the device to cool warm water by direct contact.

(d) "Existing industrial process cooling tower" means any industrial process cooling tower on which construction or reconstruction commenced on or before August 12, 1993.

(e) "Industrial process cooling tower" means any cooling tower that is used to remove heat that is produced as an input or output of a chemical or industrial process, as well as any cooling tower that cools a chemical or industrial process in combination with any heating, ventilation or air conditioning system.

Note: Cooling towers that only cool heating, ventilation and air conditioning systems and that are operated with hexavalent chromium-based water treatment chemicals are regulated by 40 CFR 749.68.

(f) "Initial startup" means the initiation of recirculation water flow within the cooling tower.

(g) "Major source" means any stationary source, or group of stationary sources, that is located on one or more contiguous or adjacent properties and

is under common control of the same person or persons under common control, that emits or has the potential to emit, in the aggregate, 10 tons per year (tpy) or more of any hazardous air pollutant which has been listed pursuant to section 112(b) of the act (42 USC 7412(b)) or 25 tpy or more of any combination of these hazardous air pollutants.

(h) "New industrial process cooling tower" means any industrial process cooling tower on which construction or reconstruction commenced after August 12, 1993.

(i) "Reconstruction" means the replacement of components of an industrial process cooling tower to such an extent that the fixed capital cost of the new components exceeds 50 percent of the fixed capital cost that would be required to construct a comparable new industrial process cooling tower.

(j) "Water treatment chemicals" means any combination of chemical substances used to treat water in cooling towers, including corrosion inhibitors, antiscalants, dispersants and any other chemical substances used to treat cooling tower water.

(3) STANDARDS. (a) No owner or operator of an existing industrial process cooling tower may use chromium-based water treatment chemicals in any industrial process cooling tower on or after March 8, 1996.

(b) No owner or operator of a new industrial process cooling tower may use chromium-based water treatment chemicals in any industrial process cooling tower on or after September 8, 1994, or on or after the date of the initial startup, whichever is later.

(4) RECORDKEEPING AND REPORTING REQUIREMENTS (a) Initial notification. Owners or operators of industrial process cooling towers that have an initial startup before September 8, 1994 shall submit, by registered mail, an initial notification to the department no later than...[revisor insert date 12 months after the rule's effective date]. Owners or operators of industrial process cooling towers that have an initial startup on or after September 8, 1994 shall submit, by registered mail, an initial notification no later than...[revisor insert date 12 months after the rule's effective date], or 12

months after initial startup, whichever is later. The initial notification shall provide the following information and be signed by a responsible official who shall certify its accuracy:

1. The name and address of the owner or operator.
2. The address representing the physical location of the industrial process cooling tower.
3. A statement that the initial notification is being submitted as required by this section.
4. A description of the type of water treatment program used in the industrial process cooling tower, including the chemical name of each corrosion inhibitor ingredient used; the average concentration of those corrosion inhibitor ingredients maintained in the cooling water; and a copy of the material safety data sheet for each water treatment chemical or chemical compound used in the industrial process cooling tower.

(b) Notification of compliance status. Each owner or operator of an industrial process cooling tower shall submit to the department, by registered mail, a notification of compliance status on or before the 60th day following the date that the industrial process cooling tower is brought into compliance with sub. (3). The notification of compliance status shall:

1. Be signed by a responsible official who shall also certify the accuracy of the report.
2. Certify that the industrial process cooling tower or towers are in compliance with sub. (3).
3. Include the information required in par. (a)4.
4. Include the following statement: "I certify that no chromium-based water treatment chemicals have been introduced since [the initial compliance date] into any industrial process cooling tower located within the facility for any purpose."

(c) Prior notification under federal regulation. If the owner or operator of an industrial process cooling tower has submitted the notification required by par. (a) or (b) to the administrator under 40 CFR 63.405 prior to

the effective date of this section ... [revisor inserts date], that notification shall be deemed to meet the applicable requirements of par. (a) or (b).

(d) Records retained at facility. Each owner or operator of an industrial process cooling tower shall retain copies of the notifications required under pars. (a) and (b) at the facility for a minimum of 5 years. The notifications shall be made available to department staff on request during normal business hours.

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The foregoing rule was approved and adopted by the State of Wisconsin Natural Resources Board on May 25, 1995.

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

July 19, 1995  
STATE OF WISCONSIN  
DEPARTMENT OF NATURAL RESOURCES

By George E. Meyer  
George E. Meyer, Secretary

(SEAL)

