

Notice of Hearing

The Department of Natural Resources announces that it will hold a public hearing on a permanent rule to revise chs. NR 400, 419, 439, 462 and 484, relating to simplifying, reducing, and making more efficient reporting, recordkeeping, testing, inspection and determination of compliance requirements for sources of air contaminants (Board Order AM-05-22), at the time and place shown below.

The public hearing concerns the proposed revision of Wisconsin's State Implementation Plan (SIP) developed under s. 285.11(6), Stats. Final rules affecting chs. NR 400, 419, 439, 462 and 484, Wis. Adm. Code, promulgated under this rulemaking will be submitted to the United States Environmental Protection Agency (EPA) for approval and incorporation into Wisconsin's SIP.

This public hearing notice and request for comments satisfies requirements in ch. 227, Stats., for rulemaking and 40 CFR Part 51.102 for submittal of the final rules to EPA as a revision to Wisconsin's SIP.

Hearing Information

Date: April 18, 2024

Time: 1:00 PM Central Time – End of agenda

Virtual Location:

— Online via Zoom: <https://us02web.zoom.us/j/88468692360>

— Call in: +1 301 715 8592

— Meeting ID: 884 6869 2360

Rule Information

Chapter NR 439, Wis. Adm. Code, contains reporting, recordkeeping, testing, inspection, and determination of compliance requirements for all sources of air contaminants in the state. The primary objective of the proposed rule is to simplify, reduce, and make more efficient these requirements. The proposed changes to ch. NR 439 will maintain consistency with the CAA and protect air quality.

The proposed changes clarify requirements, create flexibilities, remove redundancies, modify when some current ch. NR 439 requirements are due, and provide additional options for complying with the requirements where possible. The proposed revisions are not intended to create new reporting, recordkeeping, testing, inspection, and determination of compliance requirements. In addition to the specific rule changes described in Board Order AM-05-22, the department is proposing to make several types of general changes throughout ch. NR 439, including:

- Clarifying that many timelines set under the chapter for a particular number of days refer to *calendar* days.
- Converting many timelines given in *business* days to *calendar* days to simplify deadlines and reduce the potential for confusion.
- Clearly listing the content that shall be included as part of each submittal required under the chapter.

Accessibility

For the hearing or visually impaired, non-English speakers, or those with other personal circumstances which might make communication at the hearing difficult, DNR will, to the maximum extent possible and with reasonable advance notice, provide aids including an interpreter, or a non-English, large-print, or recorded version of hearing documents. To access these resources, please contact the email address or phone number listed below as soon as possible.

Appearances at the Hearing and Submittal of Written Comments

The public has the opportunity to testify at the hearing. Pre-registration is strongly encouraged if you plan to provide spoken comments during the hearing. To pre-register, either use the Zoom link above prior to the day of the hearing or download and complete the fillable [hearing appearance form](#) and send it to olivia.salmon@wisconsin.gov.

Comments on the proposed rule must be received on or before April 25, 2024. Written comments may be submitted by U.S. mail, E-mail, or through the internet and will have the same weight and effect as oral statements presented at the public hearing.

Written comments and any questions on the proposed rules should be submitted to:

Olivia Salmon – AM/7
Bureau of Air Management
Department of Natural Resources,
101 S. Webster Street
Madison, WI 53703
(608) 630-5264
olivia.salmon@wisconsin.gov

The rule may be viewed at: <https://dnr.wisconsin.gov/news/input/ProposedPermanent>

Comments can be made at: DNRAAdministrativeRulesComments@wisconsin.gov

The rule may be reviewed, and comments made at:
<http://docs.legis.wisconsin.gov/code/chr/hearings>.

Initial Regulatory Flexibility Analysis

No business is expected to incur additional costs in order to comply with the revised rule. Some small businesses may have reduced costs due to proposed rule changes that reduce frequency and redundancy of reporting.

Agency Small Business Regulatory Coordinator:

Emma Esch (608) 266-1959

emma.esch@wisconsin.gov