

Chapter NR 425

COMPLIANCE SCHEDULES, EXCEPTIONS, REGISTRATION
AND DEFERRALS FOR ORGANIC COMPOUND EMISSION
SOURCES IN CHS. NR 419 TO 424

NR 425.01	Applicability; purpose	NR 425.04	Exceptions, registration and deferrals
NR 425.02	Definitions		
NR 425.03	Compliance schedules		

NR 425.01 Applicability; purpose. (1) **APPLICABILITY.** This chapter applies to all air contaminant sources governed by chs. NR 419 to 424 and to all owners or operators of an air contaminant source governed by chs. NR 419 to 424.

(2) **PURPOSE.** This chapter is adopted under ss. 144.31 and 144.38, Stats., to establish time schedules for air contaminant sources governed by chs. NR 419 to 424 to meet the emission limitations set for each specific volatile organic compound emission source, to establish an internal offset system, to establish criteria for granting compliance schedule delays and to create a registration requirement for the use of specified organic compounds.

History: Cr. Register, September, 1986, No. 369, eff. 10-1-86.

NR 425.02 Definitions. In addition to the definitions used in this section, the definitions contained in chs. NR 400, 419, 420 and 421 apply to the terms used in this chapter.

(1) "Energy intensive control device" means an air pollution control device or system which consumes energy at a rate in excess of what would be required to heat the exhaust gas stream from 70°F to 800°F, taking into account energy recovered in the form of heat or organic compounds.

(2) "Hydrophobic substrate" means any substrate that is resistant to or avoids wetting. This may include but is not limited to polyethylene, polypropylene, cellophane, metalized polyester, nylon, and mylar.

History: Renum. from NR 154.01, Register, September, 1986, No. 369, eff. 10-1-86.

NR 425.03 Compliance schedules. (1) **EFFECTIVE DATES.** Subsections (2) to (8) do not apply to a source which is in compliance with the emission limitations of this section, provided the source has determined and certified compliance to the satisfaction of the department within 90 days after the date specified in the effective date table, nor do subs. (2) to (7) apply to a source on which construction or modification commenced on or after the specified date. Sources on which construction or modification commenced on or after the date specified in the effective date table, shall meet the emission requirements of this section in accordance with the provisions of sub. (8).

Effective Date Table

The effective date listed under the DATE column applies to the requirements outlined in all sections listed in the SECTION column to the right of the effective date in this TABLE.

DATE	SECTION
8-1-79	420.03 (5), 420.04 (1) (b), (c) and (f), 420.04 (2) (b), (c) 1. and 2., (d), (e) and (h), 420.04 (3) (b) 1. and 2., (c), (f), (g) 1. and 2., (h) and (i), 420.05 (1) (a), 420.05 (2), 420.05 (3) (a) 1., 422.05 (1), (2) and (3), 422.06 (1), 422.07 (1), 422.08 (1), 422.09 (1), 422.10 (1), 422.11 (1), 422.12 (1) and 423.03 (1)
11-1-79	420.05 (3) (a) 2.
7-1-80	420.03 (4) (a)
4-1-81	420.03 (6), 420.03 (7), 420.04 (1) (d) and (e), 420.04 (2) (f) and (g), 420.04 (3) (d), (e) and (g) 3., 420.04 (4), 420.04 (5), 420.05 (4) (a), 421.03 (1), 421.03 (3), 421.04 (1), 422.13 (1), 422.14 (1), 422.15 (1) and 423.04 (1)
7-1-81	420.05 (4) (c) 1.
10-1-81	420.04 (1) (g), 420.04 (2) (c) 3. and 420.04 (3) (b) 3.
1-15-82	422.05 (4) (c) 4.
12-31-83	423.05 (1)

(2) PROCESS AND EMISSION CONTROL EQUIPMENT INSTALLATIONS. (a) Except as provided under sub. (5) and s. NR 425.04, the owner or operator of a VOC emission source proposing to install and operate VOC emission control equipment or replacement process equipment to comply with the emission limiting requirements of chs. NR 419 to 424 shall not exceed the deadlines specified for the following increments of progress as measured from the date specified in the effective date table for that source:

1. Submit final plans for achieving compliance within 5 months.
2. Award contracts for the emission control systems or process equipment or issue orders for purchase of component parts to accomplish emission control within 8 months.
3. Commence construction or installation of the emission control system or process equipment within 13 months.
4. Complete construction or installation of the emission control system or process equipment within 25 months.
5. Achieve final compliance within 26 months of the date specified in the effective date table for that source.

(b) Any owner or operator of a source subject to the compliance schedule of par. (a) shall certify to the department, within 7 days after the deadline for each increment of progress, whether the required increment of progress has been achieved.

(3) **LOW SOLVENT CONTENT COATING OR INK.** (a) Except as provided under pars. (b) to (e), sub. (5) and s. NR 425.04, the owner or operator of a VOC source proposing to employ low solvent content coating or ink application technology to comply with the requirements of chs. NR 419 to 424 shall not exceed the deadlines specified for the following increments of progress as measured from the date specified in the effective date table for that source:

1. Submit final plans for achieving compliance within 5 months.
2. Complete research and development work on low solvent content coatings or inks within 14 months.
3. Complete evaluation of product quality and commercial acceptability within 18 months.
4. Issue purchase orders for low solvent content coatings or inks and process modifications within 19 months.
5. Commence process modifications within 21 months.
6. Complete process modifications and begin the use of low solvent content coatings or inks within 27 months.
7. Achieve final compliance within 28 months of the date specified in the effective date table for that source.

(b) The owner or operator of a can coating or flexible packaging facility proposing to employ low solvent content coating technology to comply with the requirements of s. NR 422.05 (2) (d) or 422.07 (2) may exceed each of the deadlines in par. (a) 2. to 7. by 12 months in developing acceptable can end sealing compounds or coatings for hydrophobic flexible packaging substrates.

(c) The owner or operator of a graphic arts facility proposing to employ low solvent content ink application technology to comply with the requirements of s. NR 422.14 may, for hydrophobic substrates, extend the date for achieving final compliance to December 31, 1985, provided:

1. Final plans for achieving compliance are submitted by September 1, 1981;
2. The plans include the increments of progress described in par. (a) 2. to 6.
3. Sufficient documentation is submitted to justify the extension; and
4. The plans provide for final compliance by December 31, 1985 through the use of an emission reduction system described in s. NR 422.14 (2) (c) and (3) in case the product quality and commercial acceptability evaluation shows low solvent content ink application technology to be unsatisfactory.

(d) The owner or operator of a miscellaneous metal parts and products coating facility proposing to employ low solvent content coating technology to comply with the requirements of s. NR 422.15 may, for extreme

performance coatings requiring prolonged product quality evaluation periods, extend final compliance provided:

1. Final plans for achieving compliance are submitted by September 1, 1981;
2. The plans include the increments of progress described in par. (a) 2. to 6.;
3. Sufficient documentation is submitted to justify the extension; and
4. Final compliance is extended to accommodate the prolonged evaluation period but in no case beyond December 31, 1985.

(e) Where the department determines that the low solvent content coating or ink application technology has been sufficiently researched and developed for a particular application, the owner or operator of a VOC source proposing to comply with the requirements of chs. NR 419 to 424 through application of low solvent content coatings or inks shall not exceed the deadlines specified for the following increments of progress as measured from the date specified in the effective date table for that source:

1. Submit final plans for achieving compliance within 5 months.
2. Complete evaluation of product quality and commercial acceptability within 11 months.
3. Issue purchase orders for low solvent content coatings or inks and process modifications within 13 months.
4. Commence process modifications within 15 months.
5. Complete process modifications and begin the use of low solvent content coatings or inks within 20 months.
6. Achieve final compliance within 21 months of the date specified in the effective date table for that source.

(f) Any owner or operator of a stationary source subject to one of the compliance schedules in this subsection shall certify to the department, within 7 days after the deadline for each increment of progress, whether the required increment of progress has been achieved.

(4) EQUIPMENT MODIFICATION. (a) Except as provided under sub. (5) and s. NR 425.04, the owner or operator of a VOC source proposing to comply with the requirements of chs. NR 419 to 424 by modification of existing processing or emission control equipment shall not exceed the deadlines specified for the following increments of progress as measured from the date specified in the effective date table for that source:

1. Submit final plans for achieving compliance within 5 months.
2. Award contracts for equipment modifications or issue orders for the purchase of component parts to accomplish equipment modifications within 7 months.
3. Commence construction or installation of equipment modifications within 10 months.

4. Complete construction or installation of equipment modifications within 16 months.

5. Achieve final compliance within 20 months of the date specified in the effective date table for that source.

(b) Any owner or operator of a source subject to the compliance schedule of par. (a) shall certify to the department, within 7 days after the deadline for each increment of progress, whether the required increment of progress has been achieved.

(5) ALTERNATE COMPLIANCE SCHEDULES. (a) Notwithstanding the deadlines specified in subs. (2) to (4), for any particular source the department may issue or approve a separate compliance schedule with earlier deadlines, if it finds that such a schedule would be feasible, or with later deadlines if it finds that those specified in subs. (2) to (4) would not be feasible. The alternate compliance schedule may be proposed by the owner or operator of a VOC source. If the alternate compliance schedule provides later deadlines, the following conditions shall be met:

1. A request for an alternate compliance schedule shall be received by the department within 2 months of the date specified in the effective date table for that source.

2. Final plans for achieving compliance with the requirements of chs. NR 419 to 425 shall be submitted within 5 months of the date specified in the effective date table for that source.

3. The alternative compliance schedule shall include the same increments of progress as the schedule it is to replace.

4. Sufficient documentation and certification from appropriate suppliers, contractors, manufacturers, or fabricators shall be submitted by the owner or operator to justify the new deadlines proposed for the increments of progress.

(b) All alternate compliance schedules proposed or promulgated under this subsection shall provide for compliance of the source with the requirements of chs. NR 419 to 424 as expeditiously as practicable but not later than December 31, 1982 or, where the owner or operator proposes to comply through development of a new surface coating which is subject to approval by a federal agency, not later than December 31, 1985.

(c) Any schedule approved under this subsection may be revoked at any time if the source does not meet the deadlines specified for the increments of progress. Upon any such revocation the applicable schedule under subs. (2) to (4) shall be in effect.

(6) PHASED EMISSION REDUCTION SCHEDULES. (a) This subsection applies only to sources covered under ss. NR 422.09 and 422.15 (3).

(b) Except as provided under s. NR 425.04, the owner or operator of a source required to undertake a phased compliance program shall not exceed the following deadlines:

1. Plans for the program of phased compliance shall be submitted within 12 months of the date specified in the effective date table for that source.

2. The compliance plan shall specify increments of progress with such deadlines as necessary to meet interim compliance dates specified in the applicable rule.

3. Final compliance shall be on or before the date specified in the applicable rule or approved compliance plan, but not later than December 31, 1987.

(7) **FINAL COMPLIANCE PLANS.** (a) If the department finds any compliance plan submitted under this chapter to be unsatisfactory, it may require that the plan be resubmitted with appropriate revisions.

(b) Process lines subject to requirements of this chapter on which construction or modification commenced on or before August 1, 1979 shall continue to comply with the requirements of s. NR 424.03 (3) (a) during any interim period prior to the final compliance date in the applicable compliance schedule.

(c) Process lines covered under ss. NR 420.03 (6), 421.03 (3) (a), 420.04 (1) (a) 2., (2) (a) 2., (3) (a) 2., 421.03 (2) (a) 2., 422.13 (1), 422.14 (1), 422.15 (1), 423.04 (1), 423.05 (1), (4) (a), 421.04 (1) (a) and 421.03 (1) (a) 1. on which construction or modification commenced on or after August 1, 1979, but before April 1, 1981 shall continue to comply with the requirements of s. NR 424.03 (3) (b) during any interim period prior to the final compliance date in the applicable compliance schedule.

(d) Process lines covered under s. NR 421.04 (1) (a) on which construction or modification commenced on or after April 1, 1981 but before August 31, 1981, and process lines covered under s. NR 423.05 (3) (a) on which construction or modification commenced on or after April 1, 1981 but before December 1, 1983 shall continue to comply with the requirements of s. NR 424.03 (3) (c) during any interim period prior to the final compliance date in the applicable compliance schedule.

(e) Where a source is not subject to requirements of this chapter and was previously unregulated under chs. NR 419 to 424, the final compliance plan shall specify reasonable measures to minimize emissions of VOCs during the interim period prior to the final compliance date.

(8) **NEW AND MODIFIED SOURCES.** Any source on which construction or modification commenced on or after the date specified for such source in the effective date table shall meet the emission limitations of chs. NR 419 to 425 upon start-up unless the owner or operator of the source demonstrates, to the satisfaction of the department, that compliance upon start-up would be technologically infeasible. Such sources shall instead meet a department-specified compliance schedule which provides for interim emission limitations and for ultimate compliance with the emission limitations of chs. NR 419 to 425. Ultimate compliance shall be as soon as practicable but in no event later than the date the source would have been required to meet under sub. (2), (3), (4) or (6) if it had been constructed or modified prior to the date specified in the effective date table.

History: Renum. from NR 154.13 (12) (a) (intro.) and (b) to (h) and am. Register, September, 1986, No. 369, eff. 10-1-86.

NR 425.04 Exceptions, registration and deferrals. (1) For sources on which construction or modification commenced before August 1, 1979, the provisions of ss. NR 419.05, 419.06 and 424.03 do not apply to the Register, September, 1986, No. 369