

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
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deferrals

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 chs. NR 419 to 424, 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 chs. NR 419 to 424 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)
2-1-87	422.085

(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 Register, April, 1989, No. 400

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 (2) (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) (a) 2., (3) (a) 2., 421.03 (2) (a), 422.13 (1), 422.14 (1), 422.15 (1), 423.04 (1), 423.05 (1), 420.05 (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 (2) (b) during any interim period prior to the final compliance date in the applicable compliance schedule.

Note: The reference to s. NR 424.03 (2) (b) refers to that section as it existed prior to its repeal on May 1, 1989.

(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 (1) 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 (2) (c) during any interim period prior to the final compliance date in the applicable compliance schedule.

Note: The reference to s. NR 424.03 (2) (c) refers to that section as it existed prior to May 1, 1989. As of May 1, 1989, s. NR 424.03 (2) (c) was renumbered to be s. NR 424.03 (2) (b) and amended.

(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 startup unless the owner or operator of the source demonstrates, to the satisfaction of the department, that compliance upon startup 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.

(9) **LEATHER COATING.** Notwithstanding the requirements of subs. (2) to (4), the owner or operator of a leather coating facility which proposes to comply with the requirements of s. NR 422.085 by employing any methods contained in s. NR 422.04 may not exceed the deadlines specified in the following increments of progress, as measured from the date specified in the Effective Date Table for that facility:

(a) Submit final plans for achieving compliance within 3 months. These final plans shall include deadlines for achieving the following increments of progress:

1. Award contracts for equipment modifications or issue orders for the purchase of component parts to accomplish equipment modifications;
2. Commence construction or installation of equipment modifications;
3. Complete construction or installation of equipment modifications.

(b) Achieve final compliance not later than December 31, 1987.

History: Renum. from NR 154.13 (12) (a) (intro.) and (b) to (h) and am. Register, September, 1986, No. 369, eff. 10-1-86; am. (1) table, cr. (9), Register, January, 1987, No. 373, eff. 2-1-87; corrections in (7) made under s. 13.93 (2m) (b) 7, Stats., Register, April, 1989.

NR425.04 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 storage, transfer, use or application of saturated halogenated hydrocarbons, perchloroethylene or acetone.

(2) **EXCEPTIONS.** The requirements of chs. NR 419 to 425 do not apply to the use or application of insecticides, pesticides or herbicides or to the use or emission of trichlorotrifluoroethane (freon 113), ethane or methane.

(3) **INTERNAL OFFSETS.** (a) No owner or operator of any surface coating or printing facility shall cause or allow the emission of VOCs from any coating or printing line to exceed the limitations contained in chs. NR 419 to 425 unless:

1. Each coating or printing line which is involved in the internal offset is operating with an emission rate of VOCs less than or equal to the adjusted emission rate for the coating or printing line (which may be a weighted daily average) contained in a compliance plan approved under par. (b);

2. The construction or modification of the coating or printing line was commenced on or before:

a. August 1, 1979, for sources covered under ss. NR 422.05 (1), 422.06 (1), 422.07 (1), 422.08 (1), 422.09 (1), 422.10 (1), 422.11 (1) and 422.12 (1); and

b. April 1, 1981, for sources covered under ss. NR 422.13 (1), 422.14 (1) and 422.15 (1); and

3. The combined emission rate from all coating or printing lines involved in the internal offset is less than or equal to an emission rate determined by the following equation:

$$E = \frac{A_1 B_1 C_1}{D_1} + \frac{A_2 B_2 C_2}{D_2} + \dots + \frac{A_n B_n C_n}{D_n}$$

where E = the total allowable emission rate from all of the coating or printing lines involved in the internal offset in kilograms per hour (pounds per hour), $A_{1,2,\dots,n}$ = the allowable emission rate for each coating or printing line pursuant to ss. NR 422.01 to 422.15 in kilograms per

liter (pounds per gallon) of coating or ink, excluding water, delivered to the applicator, $B_{1,2 \dots n}$ = the amount of coating material or ink in liters per hour (gallons per hour), excluding water, delivered to the applicator, $C_{1,2 \dots n}$ = volume fraction of solids in the coating or ink, excluding water, delivered to the applicator, and $D_{1,2 \dots n}$ = theoretical volume fraction of solids, in the coating or ink necessary to meet the allowable emission rate for each coating or printing line pursuant to ss. NR 422.01 to 422.15 calculated from:

$$D_{1,2 \dots n} = 1 - \left(\frac{A_{1,2 \dots n}}{P_{1,2 \dots n}} \right)$$

where $P_{1,2 \dots n}$ = the density of solvent used in the coating or ink delivered to the applicator in kilograms per liter (pounds per gallon), and

4. The owner or operator has certified, and the department has confirmed, that the emissions of all air contaminants from all existing sources owned or controlled by the owner or operator in the state are in compliance with or under a schedule for compliance as expeditiously as practicable with, all applicable local, state and federal laws and regulations.

(b) The provisions of par. (a) apply to a surface coating or printing facility only after the department has approved a compliance plan which:

1. Specifies an emission rate for each of the coating or printing lines involved in the internal offset, and

2. Includes a compliance schedule consistent with s. NR 425.03.

(c) If, at any time, the department determines that one of these emission rates is being exceeded, approval of the compliance plan may be revoked and par. (a) shall no longer apply to the facility.

(d) The compliance plan required under par. (b) shall include a compliance schedule consistent with s. NR 425.03.

(e) Notwithstanding par. (a) 2., any coating or printing line which is relocated to another facility may comply with the emission limitations in chs. NR 419 to 425 through an internal offset if:

1. The internal offset applies only to relocated coating or printing lines which had been jointly involved in an internal offset approved under par. (b); and

2. The internal offset involving the relocated lines is approved by the department under the criteria of par. (a) 1., 3. and 4.

(4) COMPLIANCE SCHEDULE DELAYS. Notwithstanding any compliance schedule approved or issued under s. NR 425.03, the department may approve a new compliance schedule which provides additional time for completion of an increment of progress, provided:

(a) That the owner or operator of the source is able to document to the department's satisfaction that the source is unable to meet the applicable deadline under s. NR 425.03 for the increment of progress due to cir-

cumstances beyond the owner or operator's control which could not reasonably have been avoided by using all prudent planning;

(b) Final compliance for sources covered under ss. NR 420.03 (5), 420.04 (1) (a), (2) (a), (3) (a), 420.05 (1) (a), (2) (a), (3) (a), 422.05 (1), 422.06 (1), 422.07 (1), 422.08 (1), 422.10 (1), 422.11 (1), 422.12 (1), and 423.03 (1) is not later than December 31, 1982; and

(c) For sources covered under ss. NR 420.03 (6) (a), 420.04 (1) (a), (2) (a), (3) (a) and 420.05 (4) (a), 421.03 (1) (a), (2) (a) and (3) (a), 421.04, 422.13 (1), 422.14 (1), 422.15 (1) and 423.04 final compliance may not be later than that required in s. NR 425.03.

(5) **LIMITATION OF RESTRICTIONS TO THE OZONE SEASON.** Where the requirements of chs. NR 419 to 425 are met by means of a fossil-fuel fired incinerator, use of the incinerator shall be required only during the ozone season, provided that operation of the incinerator is not required for purposes of occupational health or safety or for the control of toxic or hazardous substances, malodors, or other pollutants regulated by other sections of chs. NR 400 to 499. The provisions of this subsection may be applied, subject to approval of the department, where the requirements of chs. NR 419 to 425 are met by use of other energy intensive control devices.

(6) **REGISTRATION OF CERTAIN SOLVENTS, EXEMPTION.** (a) Except for the provisions of s. NR 419.03 (1) and (2) and this subsection, chs. NR 419 to 425 do not apply to the use of methylene chloride and methyl chloroform.

(b) Any person operating a source which has total combined emissions of methylene chloride and methyl chloroform in excess of 0.5 tons in a calendar year shall register the solvent use with the department by February 1 of the year following such use.

History: Renum. from NR 154.13 (13) and am. Register, September, 1986, No. 369, eff. 10-1-86; corrections in (3) (a), (4) (b) and (c) made under s. 13.93 (2m) (b) 7, Stats., Register, April, 1989.